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ATTORNEY SWEARS THAT WITNESS WAS HELD ILLEGALLY

WITNESS SWEARS DORSEY REFUSED TO FREE MINOLA FEARING CITY DETECTIVES

Attorney George Gordon, Summoned by the State, Identified Affidavit as Having Been Assented to by Cook at Frank's Home, but Says Solicitor Dorsey Was Informed at the Time That Negress Was Being Illegally Held.

BOY SAYS FRANK TALKED TO MARY PHAGAN, BUT COULD NOT DESCRIBE THE LITTLE GIRL.

Daisy Hopkins' Character Impeached, but Court Refuses to Hear Indirect Testimony Against Frank's Character – Witnesses introduced to Bolster Up Dalton's Character. Physicians Will Support Dr. Harris

Attorney George Gordon, who was counsel for Minola McKnight, the negro cook at the Frank-Selig home, when she was taken in custody several weeks ago by city detectives and held until she had given an impersonating affidavit against Leo M. Frank, was one of the state's witnesses in the Frank trial at the Tuesday morning session, and his testimony proved rather embarrassing to Solicitor Dorsey.

Attorney Gordon swore that his client, the negress, had been held at police headquarters for several hours illegally against her will, and that when he protested to the solicitor the latter had declared that he hesitated to order her release for fear he "would get in bed" with the detectives.

The witness declared the detectives would not allow him in the room while they were obtaining the affidavit from his client, and that both the detectives and Chief Beavers had informed him the woman was being held up on orders from the solicitor.

Replying to Solicitor Dorsey's question if the negress had not been released after she had made her affidavit, Attorney Gordon said yes, but not until he had appeared with a habeas corpus proceeding for her to sign.

While cross-examining the witness Attorney Rosser, for the defense, obtained from Solicitor Dorsey an affidavit which the McKnight woman had signed in the solicitor's office before she was taken to police headquarters. The witness declared he had never seen this affidavit before.

Shortly after the negro cook gave her affidavit to the detectives Mrs. Leo M. Frank, wife of the defendant, gave out a statement to the newspapers in which she attacked Solicitor Dorsey and the city detectives, charging them with having tortured and coerced her cook into giving statements damaging to her husband.

It is understood that at the afternoon session Solicitor Dorsey will put up witnesses in an effort to prove that the McKnight woman gave her affidavit voluntarily and without coercion, and that he will follow them with physicians to sustain the evidence given by Dr. H. F. Harris, secretary of the state board of health, who made a postmortem examination of Mary Phagan's body, and whose testimony has been characterized by Physicians put up by the defense as "wild guesses".

MILD SENSATION IS SPRUNG.

Somewhat of a sensation was sprung in the trial just before noon when one of the state's rebuttal witnesses, Willie Turner, sixteen-year-old son of a Sandy Springs farmer, and a former pencil factory employee, swore that in March of the present year, just about a month before the murder of Mary Phagan, he had seen Frank talking to the girl in the metal room, and that the girl

was urging Frank to leave her alone so that she could go on with her work.

According to Turner, Mary Phagan backed several feet away from Frank, who sought to resume her by admonishing her that he was the superintendent of the factory.

Attorneys for the defense objected to the Turner boy's testimony, which Attorney Arnold characterized "as eleventh-hour evidence dragged in here for the purpose of prejudicing the minds of the jurors against this defendant."

The jury was sent out while the lawyers argued the point.

The Solicitor Dorsey and Attorney Hooper insisted that Frank had sworn that he did not know Mary Phagan and that the testimony of the witness tended to show that he not only knew her but that he pushed his attentions upon her. "The girl was killed on the second floor," said Solicitor Dorsey, "and this witness' testimony hinges upon what may have been the first step which finally culminated in her death."

After considerable argument Judge Roan admitted the testimony and the jury was recalled.

The witness related his story to the jury, and was given a vigorous cross-examination by Attorney Rosser, who caused him to admit that he could not describe Mary Phagan, that he did not know her personally and that he did not know any of the other pencil factory girls.

JUDGE'S RULING DISCOURAGING TO STATE.

When Judge Roan during the morning ruled that for the purpose of laying the foundation for the impeachment of Mrs. Daisy Hopkins, one of the witnesses for the defense, the state could show by Mrs. Hopkins that she visited the pencil factory on a certain occasion, but could not develop from the witness her object in going there. Solicitor Dorsey intimated that the case of the state against Leo M. Frank had been vitally affected by this ruling.

This was taken to mean that the solicitor was apprehensive concerning his ability to get before the jury the testimony of many of his rebuttal witnesses.

When she was on the stand for the defense Mrs. Hopkins swore she had never been guilty of any improper conduct in the factory, that she barely knew Frank and that she had no knowledge of anything derogatory to his character. Mrs. Hopkins also branded as false the statement of C. B. Dalton that she had been with him to the factory basement for improper purposes.

Upon her re-examination by the solicitor Tuesday morning Mrs. Hopkins admitted that she was acquainted with Walter P. Merck, of Atlanta, and that she had met him at the corner of Alabama and Whitehall streets one Saturday afternoon, but she denied an alleged conversation with Merck in which she is said to have related details of a disgusting incident which occurred at the pencil factory.

While Mrs. Hopkins was on the stand the defense announced that it “rested its case.” Immediately after the witness was excused the state called a number of DeKalb county citizens who had known her for long terms of years, and each of those swore that her reputation for truth and veracity was bad.

The state produced other witnesses who declared that they would believe Dalton on oath.

Just before Solicitor Dorsey began his interrogation of Mrs. Hopkins he announced that much of the evidence which was to follow would be embarrassing for ladies to listen to and suggested that the defendant’s wife and mother leave the court room. After some hesitation they adopted the suggestion.

The state’s attorneys make known their intention to call a number of prominent physicians to sustain the testimony of Dr. H. F. Harris, secretary of the state board of health, and to rebut the testimony of a number of well-known physicians put up by the defense to attack the evidence given by Dr. Harris.

Physicians whom the state will call are said to be Dr. George C. Mizell, Dr. J. D. Cromer, Dr. Frank S. Eskridge, Dr. John Funke, Dr. Clarence Johnson, a stomach specialist; and Dr. Samuel E. Benedict, of Athens, president of the state board of health.

When court convened Tuesday morning, Attorneys Arnold rendered in evidence the time slips taken from the clock at the pencil factory and cited the testimony of Darley wherein Darley had identified the slips. Solicitor Dorsey did not break his objection, and the time slips were admitted.

Mrs. Emil Selig then was put on the stand for about five minutes to identify the brown suit of clothes work by Frank on ‘Memorial’ day.

Wylie Roberts was the next witness.

While waiting for Roberts to take the stand, Solicitor Dorsey made this statement to the court.

“When the time slips came to me my information as that the detectives had written ‘8:26’ on one of the slips as a matter of identification. When I was asked for these slips by the attorneys for the defense, not desiring that they know anything

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ATTORNEY SWEARS WITNESS WAS HELD ILLEGGALLY BY POLICE

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The identification, I Myself erased the words taken out at 8:26.’”

Roberts was announced as the last witness for the defense. He was expected to testify regarding Mrs. Lucille Frank calling at the pail to see her husband. It was stated that the defense would

close with testimony, and that the state would begin then the introduction of its rebuttal evidence.

CONLEY'S CUSTODIAN CALLED.

Roberts testified that he is the inner jailer of the Fulton county tower.

"Have you had the custody of Jim Conley for the last three weeks," asked Mr. Arnold, "Since he has been on the stand here?"

"Yes."

"State whether or not he has asked you for any newspapers or magazines."

Solicitor Dorsey objected. "I think Conley should be present to deny this," said he. "If they want to impeach a witness, they've got to lay a proper foundation."

Judge Roan asked Attorney Arnold the purpose of the question.

"The witness said, your honor, that he could read but very little. We want to show that he has been asking for newspapers and magazines. I wasn't clear about our right to impeach him this way. Perhaps I may have to coil Conley back and ask him the questions later on." Turning to the witness, Mr. Arnold said. "That's all for the present, Mr. Roberts." The jailer stepped from the stand.

ROSSER GOES OUT FOR MEDICINE.

Just previous to the moment when Roberts took the stand. Attorney Rosser had taken his hat and cost and left the court. After waiting a few moments, Judge Roan asked Attorney Arnold what the defense intended to do. "Just wait until Mr. Rosser comes back," replied Mr. Arnold. "He has stepped across the street to get some medicine, and I had rather he would be here when the defense announces closed." Judge Roan waited a few moments more, then told the state to proceed.

STATE TO CALL DOCTORS.

It has been learned that four of the following list of physicians will take the stand for the state to upload Dr. H. F. Harris, whose testimony had been attacked by the defense; Dr. George C. Mizell, Dr. Frank S. Eskridge, Dr. John Funke, Dr. Samuel E. Benedict, of Athens, president of state board of health; Dr. Howard, Williams, of Macon, vice president of the state board of health; Dr. Clarence Johnson, stomach specialist, and Dr. J. D. Cromer, of Atlanta.

Immediately after Judge Roan instructed the state to proceed, Mrs. Daisy Hopkins was called as the state's first witness.

"You know nothing about the cot in the pencil factory basement?"

"No, I don't know anything about."

Solicitor Dorsey directed her attention to the diagram of the pencil factory and pointed out the exact location where the cot was found. He asked her if she had never been down the step ladder into the basement. She denied any knowledge of the cot, the basement and the step-ladder, staying that all she knew was the stairway leading to the second floor.

Solicitor Dorsey asked the witness if she was acquainted with J. R. Floyd, of Redan, Ga. After some hesitation, she replied that she knew him. The solicitor demanded if she had not had a conversation with him since the murder occurred, and she declared that she had not.

"Didn't you go to his house and get milk and talk to him after this murder committed?"

Solicitor Dorsey asked the witness if she was acquainted with Rob Goddard, Dr. R. S. Pound, MA Smith, of the Nunnally-McCrea company; M. J. Ballard, Walter P. Merck. The witness admitted knowing all these except Merck, and finally when pressed by the solicitor admitted that she knows him.

CONVERSATION WITH MERCK.

“Do you remember meeting Merck at the corner of Alabama and Whitehall streets one Sunday afternoon?”

“I remember meeting him one Saturday evening up there on Peachtree street.”

“He asked you where you were going, didn’t he?”

“He asked me where I was staying, and I told him I was staying at Redan.”

“Didn’t you tell him that you then were going to the pencil factory?”

“No, I told him I was staying at Redan.”

“Didn’t you tell him that you then were going to the pencil factory?”

“No, I told him I was staying at Redan.”

“Didn’t he try to make an engagement to go with you to the pencil factory?”

To this question Attorney Rosser, who had returned, objected.

Mr. Rosser argued that the state might show a female witness’ general reputation for virtue or immorality, but that he could not single out a particular alleged act and put it in evidence.

Solicitor Dorsey declared that he expected to show by Merck that he met Diasy one Saturday afternoon; that she told him she was on the way to the pencil factory to meet her foremen; that she met him, but that she had made an engagement to meet Merck that night at her home on Walker street, and that she did meet Merck.

“I imagine that this will bring up things which should be discussed in the presence of the jury,” said Mr. Rosser.

Judge Roan ordered the jury to leave.

LADIES LEAVE COURT ROOM.

Solicitor Dorsey: “I want to show that this witness (Merck) not only met Daisy Hopkins that night, but that she told him where she had been and what she had done; and that she showed him the prints on her body and told him of an experience, and explained that she could not meet him that night.”

“This woman has denied that she ever went to the factory for any improper purpose, and I should be given the privilege of impeaching her.”

Attorney Arnold: “I knew when your honor refused to rule out certain parts of Conley’s testimony and Dalton’s testimony, it would so involve the case that we would lose track of the murder charge on trial. It has been so obscured now that it is hard to tell who is on trial and what for. We have confined ourselves strictly to combatting the direct charges made by Conley and by Dalton. We were compelled to put this witness up for that reason Frank is not responsible for all the misconduct that has been going on in Atlanta for the last ten years, and we do not think the issue should be clouded with it.”

Judge Roan: “It has come down to this: An effort to prove a crime that is irrelevant to the issue. I held that you can show that this woman did go to the factory, in an effort to impeach her.”

Solicitor Dorsey: “Can’t we show why she went there?”

Mr. Arnold: “We have never tried to show that there was no improper conduct in the factory. We have asked all our witnesses specifically if they went there to meet Frank.”

JUDGE LIMITS TESTIMONY.

Judge Roan: “The state can show the witness did go to the factory, but it cannot show for what purpose. Call in jury.”

Solicitor Dorsey (As the jury was coming in): “Your honor. I intend to ask these questions and let your honor rule them out before the jury.”

Mr. Rosser: “That is manifestly unfair.”

Judge Roan: “Yes, Mr. Dorsey, you cannot ask the questions.”

Solicitor Dorsey intimated by his manner of receiving the judge’s ruling that he believed the state’s case was affected vitality by it.

“Did you meet this man Marek on Saturday afternoon after the National Pencil factory had closed?” asked the solicitor.

“I did not.”, answered Mrs. Hopkins.

“And after that didn’t he go to see you at the junction of Walker and Peter streets, where you lived?”

“No.”

“Didn’t you tell him that afternoon you had been to the pencil factory?”

“I did not.”

“Come down,” said the solicitor.

DEFENSE RESTS CASE.

Solicitor Dorsey asked the court: “I suppose the defense has finished?” Mr. Arnold answered: “Yes, we rest.”

The solicitor then called a number of witnesses to impeach Mrs. Daisy Hopkins.

FIRST REBUTTAL WITNESS.

J. R. Floyd, a farmer of Redan, was the first witness in rebuttal for the state. After he had testified that he knew Daisy, Solicitor Dorsey asked, “Do you know how many husbands she has?”

Attorney Rosser objected: “I don’t care if she ahs 200.”

Judge Roan asked the solicitor the purpose of his question. “She said he had one. I want to prove she had more,” said the solicitor.

Judge Roan said: “Well, did anybody ever have more than one husband?” A ripple of laughter went through court.

“I think they have, in a certain sense,” said the solicitor.

Judge Roan ruled the question out, sustaining Mr. Rosser.

The witness testified that he knew Mrs. Hopkins’ character for truth and veracity, and that it is bad. He testified also that in conversation at his home in Redan when Mrs. Hopkins called to get some milk one day, Mrs. Hopkins had exhibited knowledge of the cot in the basement of the pencil factory; this, after the murder and after the existence of the cot had been brought to light.

ATTACKS MRS. HOPKINS’ VERACITY.

The following other witnesses, one at a time, testified that Daisy Hopkins’ character is bad and that they would not believe her on oath: R. M. Goddard, a DeKalb county farmer who lives near Redan, who said he had known her twenty years; A. L. Goddard, of Stone Mountain, who had known her ten or twelve years; A. L. Goddard, of Stone Mountain, who had known her ten or twenty years; A. L. Goddard, of Stone Mountain, who had known her ten or twelve years; Henry Carr, of Stone Mountain, who also had known her for fifteen years.

During the questioning of these witnesses, Solicitor Dorsey asked them all reputation of Mrs. Hopkins. When the last witness was on the stand Attorney Rosser objected to the question in that form. Mr. Rosser said that the only way her character could be attacked was on truth and veracity, and he demanded that these words be employed by the solicitor in asking the character question. Although Judge Roan ruled with Solicitor Dorsey, that it

was not necessary, the prosecutor finally consented to word his question as desired by the defense.

N. J. Dollard, who lives in Alabama, a second cousin of Daisy Hopkins, said that he would not believe her on oath.

Attorney Rosser, cross-examining him briefly, shouting at him because the witness was hard of hearing, demanded, “What kin are you?”

“Second cousin, I think,” said the witness.

“Did you come all the way from Alabama to testify that your second cousin is not of good character?”

“No. I’ve been here some time.”

A forfeiture of a bond assessed against Daisy Hopkins in an Atlanta court was tendered by the solicitor, but was ruled out by Judge Roan on objection by the defense.

Len Smith was called. He is superintendent of the Nunnally-McCrea company. He impeached Daisy Hopkins.

DALTON IS UPHELD.

J. T. Hearn, of Walton county, testified that from his knowledge of the character of C. B. Dalton he would believe Dalton on oath.

R. V. Johnson, of Walton county, testified that he would believe C. B. Dalton on oath.

Attorney Rosser asked Johnson if he had not told Harry Gottheimer that he would not believe Dalton on oath. This the witness denied, stating that Dalton worked for him five years and that he knew Dalton.

W. M. Cook, a dairyman and farmer of Social Circle, Ga., testified that he would believe Dalton on oath.

The following other witnesses testified that they would believe C. B. Dalton on oath; W. J. Elder, of Decatur; A. B.

Houston, of Decatur; J. T. Born, of DeKalb county; W. M. Wright, 47 English avenue. Atlanta, general manager of the Independent Transfer company; C. B. McGinnis, architect and builder of DeKalb county; F. B. Heflin of 321 Gordon street, a contractor W. C. Hale, of 158 Kirkwood avenue; City Policeman L. Boyce.

While these character witnesses were testifying, the attorneys wrangled continuously over forms and technicalities.

Several of the foregoing character witnesses, among them the policeman stated that formerly Dalton's character was bad, but that more recently it has changed for the better, and that they would believe him on oath.

The following other character witnesses testified for Dalton: M. G. Caldwell, a harness maker of Atlanta, who had known Dalton eighteen or nineteen years; J. W. Hunt, of 18 Trinity avenue, who was raised with Dalton in Walton county; Policeman W. T. Patrick, who has known Dalton in Atlanta for the past six years.

HURT HAND IN METAL ROOM.

Jesse E. Duffy, formerly employed by the National Pencil company in the metal room, was called as the next witness, and testified that he worked at the factory during a few months of 1912. He did not know whether the period of his employment there included last October.

"Do you know Charley Lee?" asked the solicitor.

"Yes. He's a machinist at the pencil factory."

"Were you ever hurt there?"

"Yes."

In answer to other questions, the witness said he did not remember the date he was injured, and that he had not worked there since. He was hurt in the metal room on the office floor, he said. The forefinger of his left hand was caught in a machine that he was running. The accident happened he said, just after Lee put

a roll of brass on his machine. The witness exhibited his injured finger to the jury. He testified that after he was hurt, he bundled his finger up in a piece of cotton waste which he held in his right hand, and walked to the office. He dropped no blood on the floor on the way, he said, although a few drops fell near his machine.

DIDN'T BLEED BY DRESSING ROOM.

"Did you stand near the ladies' dressing room?" asked the solicitor.

"No, sir."

"How much blood, if any, dropped within a radius of fifteen feet of the dressing room or the water cooler?"

"Not a drop."

That concluded the direct examination. Attorney Rosser cross-examined the witness.

"You were pretty badly hurt, weren't you?"

Solicitor Dorsey objected, and was sustained.

"The accident was painful, wasn't it?"

"Not very."

"As you walked along toward the office, you didn't look on the floor to see if you had dropped any blood, did you?"

"No, sir, but I kept my finger bundled in the waste."

"How long was it before your hand got well?"

"I don't remember."

"And you don't remember the month nor the week nor the day of the accident?"

"No, sir."

The witness was excused.

Willie Turner, sixteen-year-old son of C. M. Turner, a farmer living at Sandy Springs in the Oak Grove district of Fulton county, was the next witness. He testified that during the month of March, 1913, he was at work at the National Pencil factory and what he knew Frank and knew Mary Phagan.

SAW FRANK TALK TO MARY PHAGAN.

He testified that he saw Frank and Mary Phagan talking on the second floor in the metal room, about the middle of March.

On the diagram to which his attention was directed he indicated about where he said the conversation took place, and it was near the rear of the building.

He said it was just before dinner and that he saw no one there when he entered except Frank and the little girl.

“Now,” said the solicitor, “tell just what you saw take place.”

“She tried to get him to stop talking to her, and said she had to go to work.”

“What did he say?”

“He said that he was the superintendent of the pencil factory —“.

MARY BACKED AWAY FROM FRANK.

Attorney Rosser objected on the ground that the boy’s testimony was immaterial, and asked that the jury he sent out, which was done. Then for several minutes the attorneys engaged in a heated argument. When the jury had left the room, Judge Roan instructed the boy to go ahead and tell what he saw. His testimony was in substance as follows: That he walked into the metal room just before dinner, and that in the rear of the room he saw Mary Phagan backing away from Frank and telling him that she had to go to work; that Frank was advancing on her, telling her that he was the superintendent of the pencil factory and that he wanted to talk to her. Asked how far the girl backed away, the boy said it must have been three and a half or four feet.

Attorney Hooper argued that the boy's testimony was admissible because it showed that Frank was approaching Mary Phagan and that the girl was backing off to get away from him, and that he was pursuing his advances. He said the boy's testimony tended to show Frank's knowledge of the girl and tended to show an intimacy which Frank might have been trying to establish with the girl. Mr. Hooper stressed the point that according to the boy's testimony, the incident occurred about the middle of March before the murder.

Attorney Rosser contended that the boy's evidence did not go to show that Frank knew the girl as Mary Phagan by name.

Solicitor Dorsey said: "We contend your honor, that this girl was killed on the floor where this boy claims he saw this man talking to her. Frank says that he did not know the girl. Doesn't this boy's testimony go to show that he did know her, and that some preliminary steps may have been taken which culminated finally in the girl's death?"

Attorney Arnold said: "Your honor, this is a fragmentary, weasly piece of evidence, dragged in here at the eleventh hour to prejudice the jury against this man, and we object to it on several grounds. In the first place, it does not show that Frank knew the girl. He was the superintendent of the factory and he had a right to talk to anybody in the factory. This boy, when he was put on the stand, didn't say a word about the girl backing off and only mentioned that part of the story when he was led by the solicitor. You can see for yourself the unfair and the illegal purpose in introducing this boy's testimony. It looks like all through this case we haven't been able to try the man on the charge of murder, but he has been made to answer for every sensational trumped up incident in his whole career."

ARNOLD'S STATEMENT CHALLENGED.

At this point Attorney Hooper arose and said: "We object to that statement, because in the first place it is not true."

There was subdued applause among spectators outside the railing in the court room, which prompted Attorney Arnold to remark: “Your honor, it looks like there is some disturbance out there among the spectators, and I would suggest that order to be preserved in the court. You know that we can go no further with this boy’s testimony than simply to allow him to state the conversation, and that we cannot allow him to relate the conversation, and that we cannot allow him to give any conclusion of his own as to whether the girl was backing away from Frank and as to whether was pursuing her.”

The jury was recalled.

Judge Roan ruled to allow the boy’s testimony is evidence.

COURT ADMITS EVIDENCE.

“I will let you examine him, Mr. Dorsey,” said Judge Roan.

“Tell in your own way all you know about what Leo Frank and Mary Phagan did and said that day in March, 1913, in the metal room at the pencil factory,” said the solicitor.

“They were back in the rear of the building,” said the boy, “and she was coming toward her work, and Frank was going the other way. He said: ‘I want to speak to you.’ And she said: ‘I have to go to work.’ And he said: ‘I’m the superintendent of the pencil factory and want to speak to you.’ And she backed off and he walked toward her.”

“That’s all,” said the solicitor.

In the cross-examination of the witness Attorney Rosser strove his utmost to break the youthful witness down. The boy was frightened. The attorney drew from the witness the statement that two girls came in to show him, the witness, where to put some pencils, while this conversation was going on. The building was perfectly, open, the doors were open, and the scene was very near the door of Lemme Quinn’s office at the back. The witness said he worked only two or three weeks at the factory, but could not remember when he started nor when he quit.

The witness stuck to his statement that the scene was just before the noon whistles blew.

COULDN'T DESCRIBE MARY PHAGAN.

After the witness had been excused and had reached the door, Attorney Rosser called him back for other questions.

"Describe Mary Phagan," demanded Mr. Rosser.

"She had sort of light hair," said the witness, hesitatingly, and then he gave up the attempt to describe her.

"How do you know it was Mary Phagan, then?" demanded Mr. Rosser.

"One of the men who works on the fourth floor told me that was her name."

"Well, do you know Grace Hix?"

"No, sir."

"Do you know Magnolia Kennedy?"

"No, sir."

"Do you know a single other girl in the factory?"

"No, sir."

"Well, come down!"

W. T. MERCK CALLED.

W. T. Merck, street car conductor, was the next witness.

Solicitor Dorsey cautioned the witness to answer only his questions, as much of his testimony had been ruled inadmissible by the court. The witness said that he knew Daisy Hopkins, and that he met her one Saturday afternoon several months ago at the corner of Whitehall and Alabama streets, and that she said then that she was going to the National Pencil factory.

“When did you next see her?”

“Well, I made an engagement to go to her room—”

He was halted by Mr. Rosser and the statement was ruled out.

The witness said he next saw her at her room that evening at 8:20 o’clock near the junctions of Walker and Peters streets.

“Where did she tell you she had been that afternoon?”

“In the National Pencil factory.”

The solicitor brought out the statement that the first meeting was after 2 o’clock.

“Do you know Daisy Hopkins’ general character and reputation?”

“Yes.”

“What is it?”

“Bad.”

“Would you believe her on oath?”

“No.”

“Where did you work before you came to the trolley company?”

“I farmed in DeKalb county.”

Mr. Rosser cross-examined the witness.

“Does the street car company know your character?”

Mr. Dorsey objected.

Mr. Rosser: “Well, he’s come up here and brazenly admitted that he went to the room with that woman.”

“I don’t think the question is admissible,” said Judge Roan.

“Come down,” said Mr. Rosser.

Attorney George Gordon, who represented Minola McKnight, negro cook at the Selig residence, when she was arrested and questioned by the police, was called to the stand as the next witness.

Mr. Gordon testified that he has been practicing law for thirteen years.

“Were you present at police head quarters when Minola McKnight made a statement down there?” asked the solicitor.

“I remained cut out of the room most of the time.”

The witness then told that he represented Minola McKnight at that time, and gave the details of his visit to the police station. He said he went down there with a writ of habeas corpus to get her out, she having been held in jail without legal provocation, he thought. He said that when he got here the detectives told him that they had her in a room and it would be impossible for him to see her at the time.

He waited two hours until he saw the stenographer going into the room. He then demanded entrance. The police stenographer. Mr. February, was reading over his stenographic notes, which had been taken in Minola’s presence. Besides the woman, February and himself, said the witness, there were present two men from Beck & Gregg company. Detective Campbell and Detective Starnes, the last named being busy going in and out. The McKnight woman’s husband also was there, said he. The witness declared that he then asked the police for the release of the woman, and he said they told him they wouldn’t release her without the approval of Solicitor Dorsey.

SWORN TO SECRECY.

“I was sworn to secrecy on it. I remember Sarnes said we must keep it all very quiet. I was much surprised when I saw it in the papers next day. While Stenographer February was transcribing his notes, writing out this statement by Minola I went

up to your office, Mr. Dorsey, to see about getting this woman released. You admitted that you were holding her without right."

Solicitor Dorsey interrupted. "Didn't I tell you I didn't have anything to do with having her locked up?"

"Yes, and you said you wouldn't let her go because you were afraid of getting in bad with the detectives."

The solicitor asked several questions, among them being one: "Did I use any such terms as 'getting in bad?' Didn't I say I would be meddling?"

"No, that was your exact language. That was the way you put it."

The witness continued that he returned to the police station, and when he got there the statement had been transcribed and signed by Minola.

Solicitor Dorsey produced the affidavit and handed it to the witness, asking him to read it and say whether it was the substance of the notes he heard read that day. The witness said that it was.

ASSENTED TO STATEMENT.

"What did Minola say about this statement?"

"She assented to the facts in it as they were read over to her."

"As a lawyer, Mr. Gordon, do you know I have no authority to lock people up, don't you?"

"I knew you had no right to do so."

"She was released after she made this affidavit, wasn't she?"

"Yes, but I had the habeas corpus papers ready for her to sign."

Attorney Rosser cross-questioned the witness vigorously. His purpose seemed to be to show that the woman was coerced into making the affidavit.

“You knew that woman was taken to Hugh Dorsey’s office, that she was taken from there screaming to the police station, didn’t you?”

“Yes.”

“And you knew he was a peace officer and the solicitor of the county, didn’t you?”

“Yes.”

HELD AT DORSEY’S INSTANCE.

There followed other questions, the witness stating that he had gone to the police station the previous night to find out why the police were holding Minola. He was told then by the police that they had no warrant, he said, for detaining her; but that she was being held at the request of the solicitor. There were several hot retorts between the attorneys.

“Do you want me to show you what kind of an affidavit she gave at Solicitor Dorsey’s office, and then what kind she gave at the police station?” asked Attorney Rosser. He turned to Solicitor Dorsey. “Let me see that affidavit he made down in your office.” The solicitor produced it. Mr. Rosser handing it to the witness. The latter read it.

“Have you ever seen that before?” asked Mr. Rosser.

“I have not.”

“Didn’t know she made that, did you?”

“No.”

Attorney Rosser asked, “Who was guilty of false imprisonment at that time? Was it Starnes or was it Beavers?”

“Beavers knew about it. I asked him to turn her out on bond but he said he would not do it unless Solicitor Dorsey said so.” He continued that Chief Beavers said she was held under the charge of suspicion.

“Did he tell you the nature of the suspicion?”

“No.”

Mr. Gordon said the negress was released about 4 o’clock on the afternoon when she made the affidavit. The night before when he went to see her, she was disturbed greatly and cried in her cell, said he. He asked Chief Beavers to give her a light and turn her out into the corridor.

“Did he do it?”

“I didn’t go back to see. I guess he did.”

“And you cooled your feet two hours outside of that room where they had Minola, did you?”

“Yes.”

“You are a pretty patient attorney, aren’t you?”

“Well, I couldn’t break in,” said the witness with a smile. “Mr. Dorsey told me that after Minola had been with Starnes and Campbell all day he guessed, he’d turn her loose without bond. I told him I thought it was a reprehensible thing to lock her up without due process of law and he answered that it sometimes was necessary to do that in order to get information.”

DORSEY CLASHES WITH WITNESS.

Solicitor Dorsey again examined the witness.

“I told you they had no authority to lock her up, didn’t I?”

“No, I was the one that said that.”

“I assented, didn’t I?”

“Yes. I reckon you did.”

“Didn’t I tell you that I had nothing whatever to do with her being locked up and that I had no authority to turn her loose?”

“No, Hugh, that is not what you said. Wait and I’ll tell you what happened. I told you that Chief Beavers had refused to let her make bond and I asked you for an order for her release. You said you wouldn’t give me the order because you were afraid if you did you would get in bed with the detectives.”

“Didn’t I tell you that I had nothing to do with Minola being locked up?” persisted the solicitor.

“No, Hugh, I don’t think you did.”

“Do you know whether she was screaming when she left my office?”

“No, I do not.”

“What did Detective Starnes say to you?”

“I told him if she was making a statement, I wanted to be in there. And he said he would let me in.”

HEARD AFFIDAVIT READ.

“Didn’t Mr. February read over to you in Minola’s presence the shorthand notes which he had taken down?”

“Yes, he read his notes.”

“Then didn’t Minola go further and tell them some more which Mr. February took down?”

“Yes, he read his notes.”

“Then didn’t Minola go further and tell them some more which Mr. February took down?”

“Yes, I believe she did say something about the payment of money to her.”

ASKED QUESTIONS OF MINOLA.

“Didn’t you ask her several questions?”

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“Didn’t you ask her several questions?”

“Yes.”

“What did you ask her?”

“I don’t remember.”

“Didn’t you ask her several questions bearing on what occurred at the Selig residence?”

“I remember asking her what she meant by saying they poured a bucket of water in the automobile.”

“Don’t you know that Starnes and Campbell were outside of the room a good long while during the time that Minola was making a statement in the presence of her husband and those two men from the Beck & Gregg Hardware Co.?”

“I remember Detective Starnes talking to me a while on the outside.”

“Don’t you know that Detective Starnes never was in the room until Minola started to make her statement?”

“No, I don’t know as to that.”

Before being excused, the witness was asked a few more questions by Attorney Rosser.

“You didn’t know what was going on back of that locked door during those two hours, did you?”

“No,” answered the attorney, smiling.

“You didn’t know they were making her give them just the sort of statement they wanted before they turned her loose, did you?”

“No,” still smiling.

The witness was excused, and the court recessed at 12:30 for lunch, to reconvene at 2 o’clock.

PDF PAGE 2

HERE IS FRANK’S STORY

WORD FOR WORD AS TOLD

TO A JURY OF HIS PEERS

When the Accused Factory Official Stepped From the Wit-

Ness Stand Monday Afternoon at the Conclusion of His

Story, Which Had Required Four Hours to Relate, His Wife

And Mother Were in Tears and Spectators and Jury Sat

Spellbound.

“A TISSUE OF LIES, MONSTROUS, BASE AND

VILE,” SAYS FRANK OF JIM CONLEY’S STORY

“I Have Kept My Words for the Proper Time and the Proper

Place This, Gentlemen, Is the Place and This the Hour. I Have Told You All of the Truth, the Whole Truth," Said Frank as He Finished His Statement."

Leo M. Frank, with his life at stake, made the most remarkable statement Monday afternoon that has ever been uttered in a court room in the south.

"Frank acquitted himself," said a man at the conclusion of the wonderful four-hour recital. "No man could talk like he did and lie." He expressed the sentiment of many who had heard his story.

For Frank's statement was such as sway the minds. It was simple, and in its very simplicity reached the apex of eloquence. Had it been the duty of the jury to return a verdict at the conclusion of the statement, many who heard it believe that Frank would have been acquitted without the twelve good men and true leaving their seats.

On sober second thought, when the hearers digest the purport of the message, it may lose its potency. But there was not a man in the court room Monday night who, if he did not believe in the innocence of the prisoner of the bar, at least felt pity enough for him to approve his liberation.

Frank's statement was that of an innocent man. If he is not innocent, many of those who heard him believe he could not have spoken as he did. But if Frank be guilty or innocent, if the jury commits him to the gallows or liberates him to the streets, his statement will stand as a place of literature.

"He has more sense than both of us," was the tribute paid him by Luther Z. Rosser, his attorney. The remark was addressed to his brother lawyer, Reuben Arnold.

Frank began his statement at five minutes after 2 o'clock; he finished four hours later at five minutes after 6. He talked with three brief intermissions. Twice he was interrupted by Solicitor

Dorsey, who objected to the exhibition to the jury of articles not entered in evidence and once he stopped for a drink of water. When, he finished his voice was clear as at the commencement of the ordeal. With his last sentences he held his auditors breathless:

“A newspaper man,” he said, “called me the silent man in the Tower.” I was silent because my counsel advised me to be. They told me to wait until the proper time to tell my story.

“This is the place. The hour is here. And gentlemen, I have told you the truth and the whole truth.”

At any other time, in any other place, the conclusion would have been melodramatic. Here it was simply the final appeal of a man pleading for his life—an eloquent appeal.

There was absolute silence in the court room for perhaps ten seconds when Frank finished. Then the stillness was broken almost simultaneous by the sobbing of Mrs. Leo Frank and the laconic command of Attorney Arnold:

“Come down.”

The accused man stepped from the stand with just as much self-possession and just as sprightly a step as he had walked upon it four hours before. Whatever may have been the strain on his mentality, there was no physical sign to reflect it. He resumed his seat between his wife and mother.

HIS WIFE BREAKS DOWN.

The younger woman threw her arms around him and sobbed on his shoulder. He tried to comfort her with tender affection. The mother took her son’s head in her hands and kissed him passionately again and again. She, too, cried, but did not break down as did the wife, who was still convulsed when Frank was led away by the sheriff to his quarters in the Tower.

Where some men with their life in the balance would be nervous, Leo Frank was cool and in complete control of all his

faculties; where some men would have been overcome, he talked with the simplicity he would have employed in a commonplace conversation; where some men's minds would have been chaotic, he performed complex mathematical problems in his brain.

During the noon recess Monday, Frank's throat and nostrils were sprayed by a physician. Pacing the floor of an ante room under the watchful eye of a deputy sheriff he reviewed documents in the case and refreshed his memory. He took the witness stand less than ten minutes after court re-convened. He was a trifle pale. That was the only mental sign that he displayed. His face soon resumed its natural color.

Beginning with his birth in Paris, Tex., he reviewed his life briefly. He told of attending school in Brooklyn, of going through college. He told of the organization of the National Pencil company and of a trip to Europe to study the manufacture of pencils. He told of his life in Atlanta.

"The days since I married have been the happiest of my life," he said.

Without a trace of hesitancy, he told of his actions on the day he is alleged to have murdered Mary Phagan. Calmly he flatly contradicted the statements of Jim Conley, the negro, whose sworn statement has placed him so close to the gallows.

"The statement of Conley is a tissue of lies. I know nothing about the death of the little girl, and the accusation that I called him to help dispose of the body is a monstrous lie. The statement that he saw me with women in an unnatural position is a lie so vile that I have no words to denounce it. I have no wealthy relatives in Brooklyn. My father is an invalid, and he and my mother have only enough to live moderately on. There is no fund for my defense. My attorneys will be paid by the disposal of a portion of the estate of my parents."

Just as coolly he contradicted the sworn evidence of C. B. Dalton. "The statement that two women came into my office for immoral purpose is a base lie."

During the recounting of his story Frank stepped from the stand to explain the work of preparing the weekly financial sheet of the factory, a part of his “circumstantial alibi.” Laying his papers on the rail which fronts the jury box he addressed the twelve men who can send him to death if they so will with just the same earnestness one can imagine him addressing a buyer over his desk in the factory of the National Pencil company. He discussed the figures and went through the computations as intelligently as if he did not have the weight of his life upon his shoulders.

The following is a verbatim shorthand report of Frank’s statement taken down by the court reporters, from whom The Journal by a special arrangement obtained a copy of their transcript as rapidly

(Continued on page 4 column 1.)

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HERE IS THE FULL VERBATIM STORY LEO FRANK TOLD THE JURY

(Continued From Page 2.)

as they could write it. This report of Frank’s statement is the official report, exactly the same, word for word and line for line, that will go into the court record of the trial.

Frank’s Complete Statement

Leo M. Frank, the defendant, made the following statement:

Gentlemen of the Jury: In the year 1884, on the 17th day of April, I was born in Paris, Tex. At the age of three months, my parents took me to Brooklyn, N. Y., which became my home until I came south, to Atlanta, to make my home here. I attended the public schools of Brooklyn and prepared for college in Pratt Institute, Brooklyn, N. Y. In the fall of 1902 I entered Cornell

University, where I took the course of mechanical engineering, graduating after four years, in June, 1906.

I then accepted a position as draftsman with the B. F. Sturdevant Company, of High Park, Mass. After remaining with this firm for about six months, I returned once more to my home in Brooklyn, where I accepted a position as testing engineer and draftsman with the National Motor Company of Brooklyn, N. Y. I remained in this position until about the middle of October, 1907, when at the invitation of some citizens of Atlanta, I came south to confer with them in reference to the starting and operation of a pencil factory to be located in Atlanta.

After remaining here for about two weeks, I returned once more to New York, where I engaged passage and went to Europe. I remained in Europe nine months. During my sojourn abroad, I studied the pencil business, and looked after the erection and testing of the machinery which had been previously contracted for. The first part of August, 1908, I returned once more to America, and immediately came south to Atlanta, which has remained my home ever since.

Frank Was

Married Here

I married in Atlanta an Atlanta girl, Miss Lucille Selig. The major portion of my married life, has been spent in the home of parents-in-law, Mr. and Mrs. E. Selig, at No. 68 East Georgia avenue. My married life has been exceptionally happy, indeed—it has been the happiest days of my life. My duties as superintendent of the National Pencil Company were in general as follows: I took charge of the technical and mechanical end of the factory, looking after the processes and seeing that the product was turned out in quality equal to the standard in quality equal to the standard which was set by our competitors. I looked after the installation of new machinery, and the purchasing of any machinery, and in addition I had charge of the office work at the Forsyth street plant, and the Ford plant on Bell street.

I looked after the purchasing of the raw material, I saw after the manufacture of pencils and kept up with the market of these

materials and when the prices fluctuated so that the purchases could be made to the best possible advantage.

His Arrival

On Friday.

On Friday, April 25, I arrived at the pencil factory on Forsyth street at about 7 o'clock, my usual time. I immediately started in on my regular routine work, looking over the papers I had laid out the evening before, and attending to any work that needed my special attention that morning. At about 9:30 I went over to the office of the general manager and treasurer, Mr. Sigmund Montag, whose office is at Montag Brothers on Nelson street.

I stayed over there a short time, and got what papers had arrived in the mail—all the mail of the pencil factory comes over to their office. I got that mail and brought it back to the Forsyth street office. I then separated the mail and continued in my usual routine duties in the office on Forsyth street. At about 11 o'clock Mr. Schiff handed me the payroll book, covering the plants at Forsyth street and Bell Street, for me to check over and see if the amounts and extensions were correct. Of course, this work has to be very carefully done, so that the proper amount of money is drawn from the bank. This checking took me until about 12:20 p.m. I then went over to Montag Brothers, took the checks drawn and had them signed by Mr. Sig-Montag, after which I returned to Forsyth street and got the leather bag in which I usually carried the money and the coin from the bank, and got the payroll slip, in the safe and looked it. At this time my wife called for me and in her company and that of Mr. Schiff I went over to the car, and went with my wife home to lunch.

Returns to

Factory.

After lunch, I returned to the factory and took a tour for about an hour through the factory, after which I then assisted Mr. Schiff in checking over the amounts on the pay envelopes, checking the money against the duplicate slips that we had gotten from the bank, to see that the correct amount had been

given us, and I helped Mr. Schiff in checking over the money and fill the envelopes.

This took us approximately until a quarter to 6, to fill the envelopes, seal them, and place them in the box that we have over there, with 200 pigeon holes, and which we call our pay-off box. While I was so occupied with Mr. Schiff in filling these envelopes, a young man by the name of Wright, who had helped us out as a clerk in the office during the past week, came in and I paid him in cash, as Mr. Schiff, I found neglected to put his name on the payroll. I just made out a ticket for the amount of money he drew and put it in the cash box and charged it to the cash box and not to the payroll.

At a quarter to 6 payment of the help took place. Mr. Schiff taking all the envelopes that were due the help that had worked from April 18 to 24, inclusive, out to the payroll window, which is entirely outside of either my inner office or the outer office and out in the hall beyond—a little window that we have built. I sat in my office checking over the amount of money which had been left over.

This amount was equal–or should have been equal—to the amount that had been loaned out in advance to help and had been deducted when we were filling the envelopes. In checking this amount ever, as near as I can recollect it, there was about $5,---I noticed a shortage of about $1.20—something over a dollar, at any rate, and I kept checking to see if I couldn’t find the shortage going over the various deductions that had been made, but I couldn’t locate it that evening.

After the help had been paid off, during which time as I sat in my office, no one came into my office who asked me for a pay envelope or for the pay envelope of another.

After the paying off of the help had taken place. Mr. Schiff returned and handed me the envelopes which were left over, bound with an elastic bad, and I put them in the cash compartment, which is different from the cash box, a certain cash compartment in the safe, the key to which is kept in my cash box. I placed them in the safe, and Mr. Schiff busied himself clearing up the books and the flies and placing them in the safe. While he

was doing that, I placed in the time clocks the slips to be used next day.

I took out the two time slips which were dated April 25, which had been used by the help on Friday, April 25, and took two slips out to the clock, the ends of which I creased down so that they would fit into the cylinder inside of the clocks, and I noticed that I had neglected to stamp the date on them, so I just wrote on them “April 25, 1913.” In other word, I put the date of the day following, which is the way we usually do with the time clock. After placing these slips in the clock and bringing those back in the office, Mr. Schiff and myself left for home, it being about 6:30. I neglected to state that while I was sitting in the office, Mr. Schiff was paying off Newt Lee—these are the two time slips I took out.

Dorsey Offers His

Objections to Court.

Mr. Dorsey: We object to that. If your honor please, they here to be offered in the proper way first.

Mr. Arnold: Well, we’ll put them in right now. I thought they had been introduced. We want them to go in right now.

Mr. Dorsey: We object on two grounds – the first is, that’s improper while he’s on the stand and second, a man can’t put things in evidence by means of his statement—that’s the law.

Mr. Arnold: Here are the time slips that were identified by Conley and I think by Holloway and by Schiff I remember distinctly that they were identified by Mr. Darley. If I’m going to offer them in evidence, why can’t I offer them now? I can offer them at any time I wish. We offer you these slips now, Mr. Dorsey. We make no claim that the statement alone can identify the documents. If there be any question on that point, we can put the evidence up—we’ll just call him off and put up forty if it’s necessary to identify them.

Mr. Rosser: Can’t he take them and contain them as much as he pleases whether they are in evidence or not?

Can’t Go

Before Jury.

The Court: He can talk about them as much as he pleases, but they can't go before the jury as evidence that way.

Mr. Arnold: Then we'll withdraw him and put them in. I offer these time slips now, Mr. Dorsey.

Mr. Dorsey: We object to this time slip of Saturday, April 19, as wholly immaterial and irrelevant—

Mr. Arnold: I offer them all, your honor.

Mr. Dorsey: The point on all of them is that these are wholly immaterial and irrelevant, absolutely illustrate tno issue in the case, and on down until the 26th of April they have never been proven when they were ever put in, nor when they were ever taken out—and not a single thing has ever been shown with reference to them. Now I know that, because I have a copy of them right here, and I have checked off on it from time to time, and I have been anticipating and wanting to see what was going to be done about them, and I am here to state that they have never been proven, and whenever they do go to prove it, we want to see, and then we expect to say something about it ourselves. All of these up to Saturday, the 26th, are immaterial and absolutely irrelevant, and nothing has been proven about them. Those are the facts, and they are so important to the state's case that I ask to let them produce the record and show it—if they are so certain of it, they can put their fingers on it—exactly when and by whom they were identified.

Rosser Appeals

To Court.

Mr. Rosser: Mr. Dorsey was on the stand, and he called attention to the slips in it. Your honor remembers that that was the slip taken out Sunday morning, he went over all that, and they asked about what was put in it, and he identified the ones put in that morning, and in addition to that, they served us with subpoena, duces tecum to produce them and we brought those papers here and submitted them to them and they don't have to be identified any further than that.

Mr. Arnold: I want to tender the three slips that Darley identified.

Mr. Dorsey: Now, I call for Darley's evidence identifying them.

Mr. Arnold: The two slips dated April 25, and the slip of the 26, these are really the only ones that I really care about, and just to simplify it, those are the ones I will tender.

Mr. Dorsey: We submit, we want to hear Darley's evidence about the identification. They have it ready and let them show it to us. They have it written out and they can turn to it very rapidly.

Judge Rules

On Point.

The Court: I remember that they had something up before the jury; I understand Mr. Dorsey is disputing that they were identified. Let him go back and finish his statement and I'll look it up and see what's been done about it; he can't identify them that way before the jury but he can talk about them as much as he pleases.

Mr. Rosser: I want to know, whether your honor lets them in or out; we offer them and ask your honor to rule on them right now.

The Court: With the light before me now, I have got to examine and see whether I ought to do it or not. I can't do it one way or the other, but I'll say this to Mr. Frank, you can make such statement as you see fit about these matters or anything else, just so you don't undertake to introduce them.

Gentlemen, as I was saying, these two slips that had April 26, 1913, written at the bottom are the two slips I put in the clock on the evening of Friday, April 25, to be used on the day following, which, of course, was April 26. I neglected to mention also in going over my duties at the factory that Mr. N. V. Darley was superintendent of labor and of manufacture. It fell to his duty to engage the help and to distribute the help throughout the plant, and to discharge the help, in case it was necessary. It was also due to him whether their wages were raised or not. In other

words, he was the man that came directly in contact with the help. Moreover, he saw that the goods progressed throughout the factory without stopping, easily, quickly, and economically manufactured. On Friday evening I got home at about 6:30, had my supper, washed up, then went with my wife to the residence of her uncle, Mr. Carl Wolfsheimer, on Washington street, where my wife and Mr. Wolfsheimer and his wife and myself played a game of auction bridge at a friend's home in the evening. My wife and I returned home and returned home at about 11 o'clock. On Saturday, April 26, I rose between 7 and 7:30 and leisurely washed and dressed, had my breakfast, and caught a Washington Street or Georgia Avenue car–I don't know which—at the corner of Washington street or Georgia avenue, and arrived at the factory on Forsyth street, the Forsyth street plant, at about 8:30, that is my recollection.

Arrives at

The Factory.

On my arrival at the factory, I found Mr. Holloway, the day watchman, at his usual place, and I greeted him in my usual way; I found Alonzo Mann, the office boy, in the outer office. I took off my coat and hat and opened my desk and opened the safe, and assorted the various books and files and wire trays containing the various papers that were placed there the evening before, and distributed them in their proper places about the office.

I then went out to the shipping room and conversed a few minutes with Mr. Irby, who at that time was shipping clerk, concerning the work which he was going to do that morning, though, to the best of my recollection, we did no shipping that day, due to the fact that the freight offices were not receiving any shipments, due to its being a holiday.

I returned to my office, and looked through the papers, and assorted out those which I was going to take over on my usual trip to the general manager's office that morning. I then turned to the invoices covering shipments which were made by the Pencil factory on Thursday, April 24, and which were typewritten and figured out on Friday, April 25, by Miss Eubanks, the stenographer, who stays at my office. She had hurried through

with the office work on the day previous, so that she could go home and spend the holiday in the country she lived. But I didn't get to shock even the invoices on the shipments on Friday, due to the fact that Mr. Schiff and myself were completely occupied the entire day. Be we left the factory with the payroll. So that naturally, these invoices covering shipments which were made on April 24, ought to have been sent to the customers, and I got right to work in checking them.

Invoices Involve

Intricate Work.

Now I have these invoices here; these papers have not been exhibited before, but I will explain them. Of all the mathematical work in the office of a pencil factory, this very operation, this very piece of work that I have now before me is the most important. It is the invoices covering shipments and is sent to the customer, and it is very important that the prices are correct, that the amount of goods shipped agrees with the amount which is on the invoices, that the terms are correct, and that the address is correct and also, in some cases, I don't know whether there is one like that here, there are freight deductions, all of which have to be very carefully checked over and looked into, because I know of nothing else that exasperates a customer more than to receive invoices that are incorrect.

Took Longer

Than Usual.

Moreover, on this morning, this operation of this work took me longer than it usually takes an ordinary person is complete the checking of the invoices, because usually one calls out and the other checks, but I did thin work all by myself that morning, and as I went over these invoices, I noticed that Miss Eubanks, the day before, had evidently sacrificed accuracy to speed, and every one of them was wrong, so I had to go alone over the whole invoice, and I had to make the corrections as I went along, figure them out, extend them, make deductions for freight, if there were any to be made, and then get the total shipments, because, when these shipments were made on April 24, which was Thursday—

this was the last day of our fiscal week; it was on this that I made that financial sheet which I make out every Saturday afternoon, as has been my custom; it is on this figure of total shipments I make that out – so necessarily it would be the total shipments for the week that had to be figured out, and I had to figure every invoice and arrange it in its entirety so I could get a figure I would be able to use.

Explains Invoices

Technically.

The first order here is the Hilton, Hart & Kern company, Detroit, Mich. Here is the original order, which is in the file of our office, here is the transcription which was made on March 28. It hadn't been shipped until April 24. This customer ordered 100 gross of No. 2 of a certain pencil stamped. "The Packard Motor Car Company," 125 gross of No. 3 and 50 gross of No. 4. Those figures represent the grade or hardness of the lead in the pencils. We shipped 100 gross of No. 2, 11 1-2 gross of No. 3 and 49 gross of No. 4. The amount of the shipment of No. 3 is short of the amount the customer ordered, therefore, there is a suspense shipment card attached to it, as you will notice. The first shipment on this order took place on April 24. It was a special order and a special imprint on it, and therefore, the length of time, order received at the factory on March 18.

Method of

Invoicing

In invoicing shipments made by the pencil company, our method is as follows: We make out in triplicate. The first or original is a white sheet, and that goes to the customers; the second is a pink sheet and that goes over to the general manager's office and is filed serially, that is, chronologically, one date from top, and from that the charges are made on the ledger, and the last sheet or third sheet is a yellow sheet, which is here. Those are placed in a file in my office, and are filed alphabetically. These yellow sheets that I have here are not the yellow sheets I had that day, because they have since been perfected, and I am just taking the corrected sheets. I made the corrections. Miss

Eubanks corrected them on Monday by the corrections I had made in pencil on the white sheets, and another set of triplicates afterwards, and I presume made them correct. I was not there and I don’t know.

Details

The Orders.

These orders are respectively Hilton, Hart & Kern Co., L. W. Williams & Co., of Fort Worth, Tex.; the Fort Smith Paper company, of Fort Smith, Ark.; S. O. Barnum & Sons, Buffalo, N. Y.; S. T. Warren & Co., South Clarke street, Chicago, Ill.; S. H. Kress Co., warehouse, at 91 Franklin street, New York, N. Y.; there is an order that we have to be particularly careful with, because all these five and ten cent syndicates have a great deal of red tape. These invoices, though they were typed on April 25, Friday, were shipped on April 24, and bear date at the top on which the shipment was made, irrespective of the date on which these are typewritten, in other words, the shipments took place April 24, and that date is at the top typewritten, and a stamp by the office boy at the bottom, April 24. Among other things that the S. H. Kress company demands is that on their orders you must state whether or not it is complete, the number of the store, and by which railroad the shipment goes. Here is one from F. W. Woolworth & Co. Frankfort, Ind., take the following illustrations: Less 95 pounds, at 86 cents per 100 pounds, freight credit: in other words, we had to find out what the weight of that shipment was, and figure out the amount of credit that they were entitled to on the basis of 86 cents for every 100 pounds shipped. Then here comes one to Gottliev & Sons., one of our large distributors in New York, N. Y.; they have a freight allowance of 76 per 100 pounds also, shipment amounted to 618 pounds on Thursday, April 24. That was a shipment of throw-outs, or jobs.

Miss Smith

Came In

I started on this work, as I said, and had gone into it in some detail, to show you, which the work must be carried out. I was at work on this one at about 9 o’clock, as near as I remember. Mr.

Darley and Mr. Wade Campbell, the inspector of the factory, came into the outer office, and I stopped what work I was doing that day on this work, and went to the outer office and chatted with Mr. Darley and Mr. Campbell for ten or fifteen minutes, and conversed with them and joked with them, and while I was talking to them—I should figure about 9:15 o'clock, a quarter after nine—Miss Mattie Smith came in and asked me for her pay envelope, and for that of her sister-in-law, and I went to the safe and unlocked it and got out the package of envelopes that Mr. Schiff had given me the evening before and gave her the required two envelopes, and placed the remaining envelopes that I got out, that were left over from the day previous, in my cash box, where I would have them handy in case others might come in, and I wanted to have them near at hand without having to jump up and go to the safe every time in order to get them: I keep my cash box in the lower drawer on the left-hand side of my desk.

Balancing

The Payroll.

After Miss Smith had gone away with the envelopes, a few minutes, Mr. Darley came back with the envelopes, and gloated out to me in error in one of them, either the sister-in-law of Miss Mattie Smith; she had gotten too much money, and when 1 has deducted the amount that was too much, that amount balanced the payroll, the error in the payroll that I had noticed the night before, and left about 8 or 10 cents over: those things usually right themselves anyhow. I continued to work on those invoices, when I was interrupted by Mr. Lyons, superintendent of Montag Brothers, coming in. He brought me a pencil display box that we call the Panama assortment box, and he left it with me. He seemed to be in a hurry, and I told him if he would wait for a minute, I would go over to Montag Brothers with him, as I was going over there; and he stepped out to the outer office, and as soon as I come to a convenient slopping plane in the work. I put the papers I had made out to take with me in a folder, and put on my hat and coat and went to the outer office, when I found that Mr. Lyons had already left.

Mr. Darley left with me, about 9:35 or 9:40, and we passed out of the factory, and stopped at the corner of Hunter and Forsyth streets, where we each had a drink at Cruickshank's sodawater fount, where I bought a package of favorite cigarettes and after we had our drink, we converged together there for some time, and I lighted a cigarette and told him good-bye, as he went in one direction and I went on my way then to Montag Brothers', where I arrived, as early as may be, at 10 o'clock, or a little after.

His Arrival

At Montag's

On entering Montag Brothers', I spoke to Mr. Sig Montag, the general manager of the business, and then examined the papers which I collected, which lay on his desk. I took the papers out and transferred them into the folder, and took the other papers out, which I had in my folder, and distributed them at the proper places at Montag Brothers. I don't know just what papers they were, but I know there were several of them, and I went on chatting with Mr. Montag, and I spoke to Mr. Matthews and Mr. Cross of the Montag Brothers, and after that I spoke to Mrs. Hattie Hall, the pencil company's stenographer, who stays at Montag Brothers', and asked her to come over and help me that morning.

As I have already told you, practically every one of these invoices were wrong, and I wanted her to help me on that work and could not take it up tomorrow. In fact, I told her I had enough work to keep her busy that whole afternoon if she would agree to say, but she said she didn't want to do that, she wanted to have at least a half holiday on Memorial Day. I then spoke to several of the Montag Brothers' force on business matters and other matters, and after that I saw Harry Gottheimer, the sales manager of the National Pencil company, and I spoke at some length with him in reference to several of his orders that were in work at the factory. There were two of his orders that he laid special stress on that were desired to be ship them right away, and I told him, I don't know how far along in the process of manufacture the orders have proceeded, but if you can come back, I can look it up and tell you when they can be shipped. He said he could not come then, but he would come a little later, and

I told him I would be glad for him to come over later that morning or in the afternoon, as I would be there until about 1 o'clock in the morning, and after 3.

Returns to

The Factory.

I then took my folder and returned to Forsyth street alone. On arrival—at Forsyth street, I went to the second or office floor, and I noticed the clock, and it indicated five minutes after 11 o'clock. I saw Mr. Holloway there, and I told him he could go as soon as he got ready and he told me he had some work to do for Harry Denham and Arthur White, who were doing some repair work up on the top floor, and he would do the work first. I then went into the office, I went in the outer office and found Miss Hattie Hall, who had preceded over from Montag's and another lady who introduced herself to me as Mrs. Arthur White, and the office boy; and another young lady who introduced herself to me as Mrs. Arthur White, and the office boy; Mrs. Arthur White wanted to see her husband, and I went into the inner office, and took off my coat and hat, and removed the papers which I had brought back from Montag Brothers in the folder, and put the folder away. It was about this time that I heard the elevator motor start up and the circular saw in the carpenter shop, which is right next to it, running; I heard it saw through some boards, which I supposed was the work that Mr. Holloway had referred to.

I separated the orders from the letters which required answers, and took the other material, the other printed matter that didn't need immediate attention, I put that in various trays, and I think it was about this time that I concluded I would look and see how far along the reports were which I use in getting up my financial report every Saturday afternoon, and to my surprise I found that the sheet which contains the record of pencils packed for the week didn't include the report for Thursday, the day the fiscal week ends. Mr. Schiff evidently, in the stress of getting up, figuring out and filling the envelopes for the payroll on Friday, instead of, as usual, on Friday and half the day Saturday, had evidently not had enough time.

Called up Schiff

On the Phone.

I told Alonzo Mann, the office boy, to call up Mr. Schiff, and find out when he was coming down, and Alonzo told me the answer came back over the telephone that Mr. Schiff would be right down, so I didn't pay any more attention to that part of the work, because I expected Mr. Schiff to come down any minute. It was about this time that Mrs. Emma Clark Freeman and Miss Corinthia Hall, two of the girls who worked on the fourth floor, came in and asked permission to go upstairs and get Mrs. Freeman's coat, which I readily gave, and I told them at the same time to tell Arthur White that his wife was downstairs. A short time after they left my office, two gentlemen came in, one of them a Mr. Graham, and the other the father of a boy by the name of Earl Burdette. These two boys had gotten into some sort of trouble during the noon recess the day before, and were taken down to police headquarters, and, of course, didn't get their envelopes the night before, and I gave the required pay envelopes to the two fathers, and chatted with them at some length in reference to the trouble their boys had gotten into on the day previous.

Dictating

His Mail.

And just before they left the office, Mrs. Emma Clark Freeman and Mrs. Corinthia Hall came into my office and asked my permission to use the telephone, and started using the telephone, and started using the telephone during the time these two gentlemen left my office and asked my permission to use the telephone during the time these two gentlemen left office. Previous to the time these two gentlemen came in, I had called Miss Mattie Hall in and dictated what mail I had to give her, and she went out and was typewriting the mail.

I have the carbon copies of these letters which Miss Hall type-wrote for me that morning, attached to the letters from the customers, or the parties whose letter I was answering; they have been introduced, and have been identified, I see them here—Southern Bargain house, there was a letter from Shode-Lombardt company to answer to one of theirs about a die, Shode-Lombardt

company being in New York, one to Henry, dye makers, 18 Franklin street, the American Die Lock company, Newark, N. J., another letter to Shole-Lombardt company in answer to one of theirs about a die, Shode-Lombardt company being in New York, one to Henry Disston & Sons, in reference to a knife which they sent us to be tried out, a circular knife, one to J. B. McCrory, Five and Ten Cent syndicate, one to the Pullman company, of Chicago, Ill. In reference to their special imprint penicillin, which they were asking us to skip as soon as possible, one to A. J. Sassener, another die maker; these letters are copies of the ones I dictated that morning.

I signed these letters, and while I was signing, as Miss Hall brought these letters in to be signed, I gave her the orders which had been received by me that morning at Montag's offices, over at the general manager's office. I gave her these orders to be acknowledged. I will explain our method of acknowledgement of orders in a few minutes.

Miss Hall

Leaves Room.

I continued signing the letters and separating the carbon copies from the letters and putting them in various places. I folded the letters and sealed the letters, and, of course. I told Miss Hall I would post them myself. Miss Hall finished the work and started to leave when the 12 o'clock whistle blew. She left the office and returned, it looked to me, almost immediately, calling into my offices that she had forgotten something, and then she left for good.

Then I started in, we transcribed; first we enter all orders into the house order book, all these orders which Miss Hall has acknowledged. I entered in that book, and I will explain that matter in detail. There had been some questions raised about this, but I believe I can make it very clear.

Explains the Transcribing.

Here is an order from Beautell Bros. company; the very first operation on an order that is received by the pencil factory at Forsyth street in my office is the acknowledgement; that is the

first operation, because the acknowledgement is the specific second part of the contract; the first part is when they send us the order; that is the party of the first part, and the party of the second part is when we write them an acknowledgement card and agree to fill the order, and enter the order which they send me, and so necessarily, to satisfy our customers, it must be the very first thing that is done and is the first thing. The acknowledgement stamp, which you have already seen here today, shown, first, two things: first, who acknowledged the order and, second, the date it was received in the office on Forsyth street. Here is one from Beutell Bros. that bears the date April 23 up at the top; that was the date when Beutell Bros. in Dubuque, Ia. had that latter typewritten, we didn't know when they mailed it, but that is the day it was written, it was received at the general manager's office, it might have been received on the 25th, after I had gotten the mail that day there, and remained there until April 28, when I went over and got the mail again.

Explains the

Woolworth Orders.

Here is one from John Laurie & Sons, and here is one I think Mr. Dorsey did some questioning about, because of the fact that up here at the top was 4.22. This order was written in pencil, of course it is written in pencil; this is an order from F. W. Woolworth & Co. that is a five and ten cent syndicate, as you know, probably the largest in the world, that has over 700 stores, are divided into different groups, or provinces, and in charge of each group there is a certain office; for instance, there is one at Toronto, for the Canadian stores; one in Buffalo, one in Boston, one in New York; there is one at Wilkesbarre, one at Saint Louis, one at Chicago and one at San Francisco.

Now, this order, by looking at it—I can tell, because I had had reason to look into and know the system of orders used by this syndicate, and I most assuredly would have to know it—you notice Chicago 4.22 down here, also store No. 185, the Woolworth company 347, here again is DeKalb, Ill. In other words, De Kalbb, Ill., is in the jurisdiction of the Chicago office. There blanks are distributed among these various 8 and 10-cent stores, and the

manager of one store, when he wants to order goods, he finds his stock is getting a little low, he makes that out and sends his order in to the Chicago office; at the Chicago office, the buyer looks over it, and sees that the manager has carefully and economically ordered the goods, and then you will notice that little stamp punched through; you see up there, that says: “Valid, 4.23,” in other words, of course, we couldn’t have put that on there at our office, but the validation stamp, with 4-23, the date of it, shows it took a day to travel from DeKalb, Ill., to Chicago, Ill., and that stamp shows the validation of the order on that day by the head office, and that order is then forwarded by the head office to us.

Tells of Acknowledge-

Ment of Cards.

Now, this order is usually made out by the manager or by the clerk of the manager of by someone in that F. W. Woolworth store. Here is one from Williambarre itself, that is the head offices itself. Here is one from Saint. Joseph, Mo. Via Saint Louis, that bears the validation stamp of the Saint Louis head office. You gentlemen understand these people are great big people, a great big syndicate and they have to do their clerical work according to a system that is correct. Now, then, that was the first operation on these orders after we separated them from the other mall, and we hand that on to your superintendent. I am showing you about the acknowledgement stamp because it is important, first because it shows the acknowledgement of the order and who acknowledged it, and secondly shows the date on which the orders were received at my office. To the best of my recollection, these acknowledgement cards were given to the office boy to post, after Miss Hall had made them out.

Refers to Work

On the Orders.

Now, in reference to the work that I did on these orders, starting here with order 7187 and continuing through 7197. That is not such an easy job as you would have been led to believe. In the first place, next to the serial number, there is a series of

initials, and those initials stand for the salesman who is credited with the order.

In other words, if a man at the end of the year wants to get certain commissions on orders that come in, we have to very carefully look over those orders to see to whom or to which salesman or to which commission house or which distributing agent that order is credited. Therefore, it takes a good deal of judgement and knowledge to show just to which salesman to credit, and sometimes, I can't say that it was incorrect that morning, but it might have been.

Sometimes I have to go through a world of papers to find just to whom a certain order is to be credited. Then I enter in the various orders here, too. The next column shows to whom the goods are to be shipped. Of course, that is not very difficult to do, that is just a mere copy.

The store numbers are put down in case the stores have numbers, and then, one must look over the order. I notice that one of the orders is one to R. E. Kendall at Plum street, Cincinnati, O., calling for a special, and that has to be noted.

In this column here, you will notice regular or special. Notice here the word special out here opposite R. E. Kendall's. That thing had to be very carefully noted also. Now, in this column is the order number, and that order number is the customer's order number, to which we have to refer always when we ship that order. Now, in these cases like on these Woolworth orders when there is no other number, we put down the date with the month, so in that way that gives it 4-22, that was the date the order was made out, so we can absolutely refer to it.

In this column is the shipping point and the date we are going to ship it, and to this column represents the date on which the order was received, and the month, which is April 26, according to the acknowledgement, corresponding to the acknowledgement stamp.

Work Done by

Frank Saturday

Now, after that work, after the order was acknowledged and entered in here, the next step in the filling in on the proper place on this sheet which has already been tendered and identified. Now, the work done by me on that day right here, that was Saturday. Saturday is the second day of the fiscal year. Friday, Saturday, Sunday, Monday, Tuesday, Wednesday and Thursday—Saturday is the second day, and you will notice, gentlemen, there are only two entries there, and the last entry on April 26, which was Saturday. Now then, the information this sheet is as follows:

I go through the orders and find out the number of gross of pencils which our customers order which fall in certain price groups; that is, to find the number of gross of pencils for which the pencil factory gets 60 cents a gross, and I put them down under the first column, the second under the column RI, which means rubber inserted, and for which we get average price of 80 cents.

I go through the same thing and put the figures all out; in this case it was 102. Then we have a price group, on which we get an average of $1.20, and it covers a range in price from $1.00 per gross to $1.40. There were 116 gross of such pencils ordered with these orders which were received that morning.

Best Profits

In Best Goods

The next price group are there on which we figure an average price of $1.75 a gross, and falling within those limits of $1.50 to $1.95 inclusive. In this case there were 34½ gross. Then there is a gross between $2.00 and $2.95, averaging $2.50, and there was $1.00½ gross that day. Then $3 and over, which we always figure at just $3, so it is a conservative estimate.

We have goods that we get $3.25 for, and some that we get $3.50 for, but we figure them all at $3, so it is a conservative estimate.

The reason this is done is this: In the pencil business, just like in all manufacturing businesses–that is, manufacturing an article that has to be turned out in large quantities—it behooves the sales department to sell as much of your high priced goods as

possible, and as few of your cheap goods, and therefore, if you know how many of the cheap goods and how many of the better grades of goods you are selling, it serves as a barometer on the class of good that is being sold. You can see that this job takes quite a little figuring and quite a little judgement.

After finishing that work, I went on to the transcription of these orders clear to these requisitions, and notwithstanding an answer that has been made, I wrote these requisitions myself. That is my handwriting and you can read every one of them through. Here is one, F. W. Wolworth, I wrote that one, and another one, F. W. Wolworth, I wrote that one, and another one, F. W. Wolworth. Here is one 5 and 10 cent store, Sault Ste. Marie. I wrote that one, and here is F. W. Wolworth, DeKalb, Illinois, and Logansport, Indiana.

That is all my handwriting, excepting the amounts that are placed down here under the dates when the shipment of these orders were made, which is in the handwriting of my assistant, Mr. Schiff. This part, the amount, date, numbers, address, salesman, date April 26, and the order number, taking the date in lieu of the order number, as I explained previously, that is all my handwriting, everything except that amount there and the subsequent date, that is in my handwriting and the work on all of those was done on the morning of April 26.

When Mary

Phagan Entered.

Miss Hall left my office on her way home at this time, and to the best of my information there were in the building Arthur White and Harry Denham and Arthur White’s wife on the top door. To the best of my knowledge, it must have been from ten to fifteen minutes after Miss Hall left my office when this little girl, whom I afterwards found to be Mary Phagan, entered my office and asked for her pay envelope.

I asked for her number and she told me. I went to the cash box and took her envelope out and handed it to her, identifying the envelope by the number.

She left my office and apparently had gotten as far as the door from my office leading to the outer office,

(Continued on next Page)

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when she evidently stopped and asked me if the metal had arrived, and I told her, no. She continued on her way out and I heard the sound of her footsteps as she went away.

It was a few moments after she asked me this question that I had an impression of a female voice saying something; I don’t know which way it came from; just passed away and I had that impression. This little girl had evidently worked in the metal department by her question and had been laid off owing to the fact that some metal that had been ordered had not arrived at the factory; hence, her question. I only recognized this little girl from having seen her around the plant and did not know her name, simply identifying her envelope from her having called her number to me.

She had left the plant hardly five minutes when Lemmie Quinn, the foreman of the plant, came in and told me that I could not have keep him away from the factory, even though it was a holiday; at which I smiled and kept on working. He first asked me if Mr. Schiff had come down and I told him he had not and he turned around and left. I continued work until I finished this work and these requisitions and I looked at my watch and noticed that it was a quarter io one. I called my home up on the telephone, for I knew that my wife and my mother-in-law were going to the matinee and I wanted to know when they would have lunch. I got my house and Minola answered the phone and she answered me back that they would have lunch immediately and for me to come right on home.

I then gathered my papers together and went up stairs to see the boys on the top floor. This must have been, since I had just looked at my watch, ten minutes to one. I noticed in the evidence of one of the witnesses, Mrs. Arthur White, she states it was 12:35 that she passed by and saw me. That is possibly true; I

have no recollection about it; perhaps her recollection is better than mine; I have no remembrance of it; however, I expect that is so.

When I arrived upstairs, I saw Arthur White and Harry Denham who had been working up there, and Mr. White's wife. I asked them if they were ready to go and they said they had enough work to keep them several hours. I noticed that they had laid out some work and I had to see what work they had done and were going to do. I asked Mr. White's wife if she was going or would stay there as I would be obliged to lock up the factory, and Mrs. White said no, she would go then. I went down and gathered up my papers and locked my desk and went around and washed my hands and put on my hat and coat and locked the inner door to my office and locked the doors to the street and started to go home.

Impossible to

See In or Out

Now, gentleman, to the best of my recollection from the time the whistle blew for 12 o'clock until after a quarter to one when I went upstairs and spoke to Arthur White and Harry Denham, to the best of my recollection, I did not stir out of the inner office; but it is possible that in order to answer a call of nature I may have gone to the toilet. Those are things that a man does unconsciously and cannot tell how many times nor when he does it. Now, sitting in my office at my desk, it is impossible for me to see out into the outer hall when the safe door is open, as it was that morning, and not only is it impossible for me to see out, but it is impossible for people to see in and see me there.

His Arrival

At His Home

I continued on up Forsyth to Alabama and down Alabama to Whitehall, where I waited a few minutes for a car, and after a few minutes a Georgia avenue car came along; I took it and arrived home at about 1:20. When I arrived at home. I found that my wife and my mother-in-law were eating their dinner, and my father-in-law had just sat down and started his dinner.

I sat down to dinner and before had taken anything, I turned in my chair in the telephone, which is right behind me and called up my brother-in-law to tell him that on account of some work I had to do at the factory I would be unable to go with him, he having invited me to go with him out to the ball game. I succeeded in getting his residence and his cook answered the phone and told me that Mr. Ursenbach had not come back home. I told her to give him a message for me that I would be unable to go with him I turned and continued eating my lunch and after a few minutes my wife and mother-in-law finished their dinner and left and told me good bye.

My father-in-law and myself continued eating our dinner, Minola McKnight serving us. After finishing dinner, my father-in-law said he would go out in the back yard to look after his chickens and I lighted a cigarette and laid down. After a few minutes, I got up and walked up Georgia avenue to get a car. I missed the ten minutes to 2 car and I looked up and saw in front of Mr. Wolfsheimer's residence, Mrs. Michael, an aunt of my wife who lives in Athens, and there were several ladies there and I went up there to see them and after a few minutes Mrs. Wolfsheimer came out of the house and I waited there until I saw the Washington street car coming and I ran up and saw that I could catch the car. I got on the car and talked to Mr. Loeb on the way to town. The car got to a point about the intersection of Washington street and Hunter street and the fire engine house and there was a couple of cars stalled up ahead of us, the cars were waiting there to see the memorial parade; they were all banked up.

Watched the

Parade Go By

After it stood there were a few minutes, as I did not want to wait, I told Mr. Loeb that I was going to go eat and go on as I had work to do. So I went on down Hunter street, going in the direction of Whitehall, and when I got down to the corner of Whitehall and Hunter, the parade had started to come around and I could not get around at all, and I had to stay there 15 or 20 minutes and see the parade. Then I walked on down Whitehall on

the side of Rm. M. Rich & Bros' store. I stood there between half past 2 and a few minutes to 3 o'clock, until the parade passed entirely; then I crossed the street and went on down to Jacobs' and went in and purchased 25 cents' worth of cigars. I then left the store and went on down Alabama street to Forsyth street and down Forsyth street to the factory.

I unlocked the street door and then unlocked the inner door and left it open and went on upstairs to tell the boys that I had come back and wanted to know if they were ready to go, and at that time they were preparing to leave. I went immediately down to my office and opened the safe and my desk and hung up my coat and hat and started to work on the financial report, which I will explain. Mr. Schiff had not come down and there was additional work for me to do.

Tells Newt Lee

He Can Get Off.

In a few minutes after I started to work on the financial sheet, which I am going to take up in a few minutes, I heard the bell ring on the time clock outside and Arthur White and Harry Denham came into the office and Arhtur White borrowed $2 from me in advance on his wages. I had gotten to work on the financial sheet, figuring it out, when I happened to go out to the lavatory, and on returning to the office, the door pointed out directly in front, I noticed Newt Lee, the watchman, coming from toward the head of the stairs, coming toward me.

I looked at the clock and told him the night before to come back at 4 o'clock, for I expected to go to the baseball game.

At that time Newt Lee came along and greeted me and offered me a banana out of a yellow bag which he carried, which I presume contained bananas; I declined the banana and told him that I had no way of letting him know sooner that I was to be there at work and that I had changed my mind about going to the ball game. I told him that he could go if he saw fit for an hour and a half, but to be sure and be back by 6:30 o'clock. He went off down the staircase leading out and I returned to my office. Now, in reference to Newt Lee, the watchman, the first night he came

there to watch I personally took him around the plant, first, second and third floors and into the basement, and told him that he would be required, that it was his duty, to go over that entire building every half hour; not only to completely tour the upper four floors but to go down to the basement, and I specially stressed the point that that dust bin along here was one of the most dangerous places for a fire and I wanted him to be sure and go back there every half hour and to be careful how he held his lantern. I told him it was a part of his duty to look after and lock that back door and he fully understood it, and I showed him the cut-off for the electric current and told him in case of fire that ought to be pulled so no fireman coming in would be electrocuted. I explained everything to him in detail and told him he was to make that tour every half hour and stamp it on the time card and that included the basement of the building.

Dorsey Objects

To Evidence.

Now this sheet here is the factory record containing the lists of pencils in stock and the amount of each and every number; the amount of each and every one of our pencils which we manufacture at the end of any given week. There are no names there. We make the entries on this sheet by trade notes. Here is a sample case containing the pencils which are manufactured at the Forsyth street plant. That is just as an explanation of what these figures are.

Mr. Dorsey: Now, there is no evidence up to this time about that your honor. They didn’t show them to the jury, and I object to them being shown to the jury now.

The Court: Well, if that is true, it comes under the same ruling.

Mr. Arnold: Well, just state about them, Mr. Frank.

Well, I expect you have gotten enough of a glance at them for you to know that there are a great many pencils and a great many colors, all sorts and styles; all sorts of tips, all sorts of rubbers, all sorts of stamps—I expect there are 110 pencils in that roll. That shows the variety of goods we manufacture. We not only

have certain set numbers that we manufacture, but we will manufacture any pencil to order for any customer who desires a sufficient number of special pencil, into a grade similar to our own pencil. Now, this pencil sheet when I looked at it at about half past eleven or thereabouts on Saturday morning, was incomplete. It had the entry for Thursday, April 24, omitted.

Errors in the

Production Sheet.

Mr. Shiff had entered the production for April 18, 19, 21 and 22, but he had omitted the entry for the 24, and the 26 not being there, of course it was not totaled or headed, so it became necessary to look in this bunch of daily reports which was handed in every day by the parking forelady, sort out the various pencils noted on there, and place them in their proper places. Before proceeding further on that, I want to call your attention to the fact that we use this sheet for two weeks.

Explains Brands

Of Pencils

You notice two weeks ending down there, April 27, April 17, and one ending the week later, April 24. Mr. Schiff, I notice, put April 17 at the top and the date corresponds to the entries here on the side: these are, the dates alongside of each entry. Now, where we have any special pencil, as a general rule, for instance, takes two 10-x special up there; we manufacture two 10-x special for the Cadillac Motor Car company. Now, there is a 660-x pencil, that 660-x pencil we call Panama, but in this entry it is called Cracker-Jack. Now here is another 660-x special, ours being Panama and this the Universal 660-special. In other words, gentlemen, we put the name of the customer, if he wants business in a sufficient quantity. Well, I had to go through this report for Thursday, handed in by Miss Flowers, the forelady of the packing department, as she said, on Friday: I had to go through it and make the entries. Now, after I made the entries. I had to total each number for its: that is, the number of 10-x, 20-x, 30-x, etc.

The Errors

Were Not His.

Now, I notice that both of the expert accountants who got on the stand, pointed out two errors. While those errors are trivial, yet, there is enough of human pride in me to explain that those errors were not mine. Those errors, one of one and a half gross and one of one and a half gross, and one of one gross, in totaling up these totals here on the 18th and 19th—those entries were made by Mr. Schiff. I don't expect he meant to make an error, but they happen to be in his handwriting. These totals were already down there for the various days when I got the sheet and I always take them as correct without checking of his figures. The only figures that I check are my own figures. I add my correct figures to his figures and of course, not having checked the figures. I had to assume he entered it correctly, so I would not have known it. As I say, my usual method is to take his figures as correct per se. Now, after I entered them in the total, the next thing I did was to make out the job sheet; the job or throw-outs. Now in regard to these jobs, if I recall it correctly, was the only error that the expert accountant found in my work on the financial sheet for that day, but it really was not error, as I will show you.

Shows How Errors

Were Made

He didn't know my method of doing that, and therefore he could not know the error. When I explain to you fully the method in which I arrived at these figures, you also will see they are not in error.

Now, among the packing reports that are handed into the office, just like Miss Eula May handed this in from the packing room proper, there is another room where pencils are packed, viz.: the department under the foreladyship of Miss Fannie Atherton, head of the job department. The jobs are our seconds or throw-outs, for which we get less money, of course, than for the first. You see that Fannie A. – that is Fannie Atherton. That is the job department. Now, I took each of those job sheets and separated them from the rest of those sheets, finding out how many jobs of the various kinds were packed that week. Now, this

sheet shows that there were twelve different kinds of jobs packed that day. Each of them, you will notice, has a different price.

The Intricacies

Of the Task

That is the number of jobs, 0-95, or the number of job 114; that is the number of the job; not the amount, but the number by which it is sold. Out here you see the amount of that job which was packed; 180 gross, one gross, six gross, twenty-four gross, etc. Then you will find the actual price we received for each. Then I make the extensions and find the number of gross of pencils, 180 gross at 40 cents, of course, is $72.

In other words, there is the usual number of jobs passed that day, the price we actually get for them, and the extensions are accurate, and the totals are correct; the total of gross is totaled correctly, the total grade packed and the total amount of the value of those gross are the two figures that are put on the financial report, 791 gross jobs, $396.75, being absolutely perfect, but in getting the average price, you notice 50.1 cents down here, I just worked it approximately, because nobody cares if it cost so small a fraction—the average price of those jobs, 50.1 cents and, 6-100ths—that 6-100ths was so small I couldn’t handle it, so I stopped at the decimal. Now, in arriving at the total number of gross and the total value of pencils, which are the two figures really important. I divided one by the other.

Data for

Financial Sheet.

I also need, in getting up the data for the financial sheet, by the way, one of the most important sheets is this very little sheet here. It looks very small, but the work connected with it is very large. Now some of the items that appear on here are gotten from the reports which are handed in by the various forewomen. Now, you saw on the stand this morning Mr. Godfrey Winekauf, the superintendent of the lead plant; there is the report of the amount of lead delivered that week, two pages of it; the different kinds of lead, No. 10 lead, No 940, No. 2 and No. 930, and so on.

No, here is a pencil with a little rubber stuck on the end; we only put six inches of lead in that and stick rubber in the rest. Now, here is the report of L. A. Quinn, foreman of the tipping plant. He reports on this the amount of work of the various machines; that is, the large eyelet machine, the small eyelet machine and the other machines.

Then he notates the amounts of the various tips used that he had made that week. Now, we have, I expect twenty-two different kinds of tips, and one of them is a retip, and we never count a re-tip as a production. Now, this was out for the week ending April 24, by Mr. Irby, the shipping clerk; that is, the amount of gross pencils that he ships day by day. There were shipped 266 gross the first day, which was Friday in this case. Friday, the 18th of April; 562 gross the second day, which was Saturday, a half day, the 19th day of April; 784 gross on Monday, which was April 21; 1,232 gross (that was an exceptional day were shipped on Tuesday, April 22; 572 gross shipped on Wednesday, April 24, and 967 gross, also a very large day, shipped on April 24, a total of 4,374 gross. Now, there is another little slip of paper here that requires one of the most complicated calculations of this entire financial, and I will explain it.

The Repack Calculation.

It shows the repack, and I notice an error on it here; it says here 4-17, when it ought to be 4-18; in other words, it goes from 4-17, through 4-24. That repack is gotten up by Miss Eula May; you will notice it is O.K.'d by her. Miss Eula May Flowers, the forelady, packed that; that is the amount of pencils used in our assortment boxes, or display boxes. That is one of the tricks of the trade, when we have some slow mover, some pencil that doesn't move very fast, we take something that is fancy and put some new, bright looking pencils with them, with these slow movers. That is a trick that all manufacturers use, and in packing these assortment boxes, which are packed under the direction of Miss Flowers, we send into the shipping room and get some pencils which have already been packed, pencils that have been on the shelf a year for all we know, and bring them in and unpack them and repack them in the display box. Therefore, it is very necessary in figuring out the financial sheet to notice in detail the

amount of goods packed and just how many of those pencils had already been figured on some part financial report. We don’t want to record it twice, or else our totals will be incorrect. Therefore, this little slip showing the amount of goods which were repacked is very necessary. That was figured by me, and was figured by me on that Saturday afternoon, April 22. There were eighteen gross at 35-x pencils selling for $1.25; eighteen gross for $22.50. It shows right here. I figured that out. That is my writing right down there. Eighteen gross 35-x, $1.25, $22.50; ten gross of 920-x figuring at $25; that added up as you will see, to $70.

Transfer of

Figures.

In other words, there were 40 gross of pencils, 26 gross of which sell in our medium price goods; 86 gross 25-x; 10 gross 930-x, $2.50, that is a high price goods. Therefore, the repack for that week was 26 gross medium priced goods and 10 gross of high price goods. I will show you now where the $70.00 is and where the 36 gross is, and where the 10 gross figures in the financial sheet.

There is a little sheet stuck up here in the corner attached to the record— the factory record of pencils manufactured during that week. That shows the production, divided into the following classes: Cheap goods – the very cheapest we make, outside of jobs—those we figure at 60 cents a gross. Then there is the rubber insert. Those we figure 85 cents a gross; and then the job and then the medium; the medium being all goods up to a certain grade that contains the cheap lead, and the good being all those that contain a better class of lead. In this case, Mr. Schiff had entered it up to and through Wednesday, and had failed to enter Thursday, and I had to enter Thursday, and to figure it. This sheet shows the total of the three classes of goods packed from day to day.

Few Clerics

Understood Sheet.

Now, I have had very few clerks at Forsyth street, or anywhere else for that matter, who could make out this sheet

successfully and accurately. It involves a great deal of work and one has to exercise exceptional care and accuracy in making it out. You notice that the gross productions is nothing more than the addition, the total addition, the proven addition 1-9. That gives the gross production here is 2765 1-2 That gives the net productions. The gross production is nothing more than the addition, the total addition the proven addition of these sheets containing the pencils pushed.

This other little snout behind here represents the pencils packed the weak of April 17—that week's production. Now, this little sheet I had to work on, showing the pencils that were repacked, going into the display boxes, and the numbers, and subtracted that from the total amount. 46 from 2,765½, which leaves 2,719½; in other words, I just deducted the amount that had been taken out of the stock room and repacked from the total amount that was stated to be packed, showing the amount of repacked goods. Now, all I had to do was to copy that off; it had been figured once. The value of the repack was $70; that was mere copying. Now, the rubber insert entries. I got those that morning, the number of pencils packed during the week ending April 24—that is Thursday. April 24—that insert rubber is a rubber stuck directly into wood with a metal tip or ferret to hold it in.

I have to go through all of this data, that being an awfully tedious job—not a hard job, but a very tedious one—it eats up time. I had to go through each one of these, and not only have to see the number, that I have to know whether it is rubber insert or what it is, and then I put that down on a piece of scratch paper, and place it down here; in this case it was 720 gross.

Terms Job

Tedious.

Then the rubber tipping, that means tipped with rubber; that is the rubber that is used on the medium priced pencils that have the medium prices, we ship with the cheap shipping. I had to go through this operation again, a tedious job, and it eats up time; it is not hard, but it is tedious. I had to go through that again, to find out the amount of tip rubber that was used on this amount of pencils. Then I had to go through the good pencils.

Now, it has been insinuated that some of these bizarre—especially this item, if I remember correctly—that when I have gotten two of the items. I can add it all up and subtract from the total to get the third by deduction, but that is not so.

Of the pencils that still remaining unaccounted for, there are many pencils that don't take rubber at all. There are jobs that don't take rubber on them, plain common pencils, going pencils that don't have rubber on them at all, and I have to go through all of that operation, that tedious operation again, that eats up so much time. Then there is the lead of the various kinds that we use; there is good lead and cheap lead, the large lead and the thick or carbon lead, and the copying lead. That same operation has to be gone through again.

Explains

Mistake

Now, this sheet (exhibiting) is where the expert accountant said I made a mistake. I had to go through with each of those pencils to see if they were cheap rubber or if they were good lead or the copying lead. So I had to go through this same operation and re-add them to see that the addition is correct before I can arrive at the proper figure. The same way to find the good lead and the cheap lead, the large lead and the copying lead: that operation had to be gone through in detail with each and every one of those, and the same with each of the boxes, and that is a tough job.

Some of the pencils are packed in one gross boxes and some in half gross boxes, and, as I say, we use a display box, and there are pencils that are put in individual boxes, and we have to go through carefully to see the pencils that have been packed for the whole week, and it is a very tedious job. Now, in these boxes, there is another calculation involved, and then I have to find the assortment boxes, but that is easily gotten. Then I have to find out whether they are half gross boxes or one gross boxes, and then reduce them to the basis of boxes that cost us 2 cents apiece; reduce them to the basis of the ordinary box that we paid 2 cents a box. After finding out the boxes, then I have to reduce that to some common factor, so I can make the multiplication in

figuring out the cost at 2 cents. That involves quite a mathematical manipulation.

Then I come to the skeleton. Skeletons are no more than just a trade name. They are just little cardboard tiers to keep one pencil away from the other, that is all a skeleton is. I have to go through and find out which pencils are skeletons. If it is a cheap pencil, they are just tied up with a cord; and there are pencils in a bunch, and there are pencils that we don't use the skeleton with. That must all be gone through and gotten correctly, or it will be of no worth.

Explains

Quinn's Report

Then comes the tip delivery, the goods and the sheet delivery, which is gotten for this report from Mr. Lemmie Quinn, that I showed you before. Then there is another entry on this sheet of the tips used, and I can give you a clear explanation of the manner that I arrive at that. You can't use tips when you don't have some rubber stuck in it, so I just had to go through the rubber used to find that. Then we have what we call ends; there are a few gross of them there. Then the wrappers Pencils that are packed in the individual one dozen cartons don't take wrappers; they are in a box. Pencils that are packed in the display boxes don't take a wrapper; they just stick up in a hole by themselves.

The cheap pencils are tied with a cord, and they don't take any wrapper, so the same operation the same tedious operation, had to be gone through with that to get at the number of wrappers, and then the different number of gross and the number of carton boxes used in the same way.

Detention

Delayed Work

On the right hand side of this sheet you notice the deliveries. There is the lead delivery from the Bell street plant and the Forsythe street plant. This doesn't mean the amount of land used in the pencils packed for this week's only, but it shows the amount of our lead plant delivery, for information. Then the slat

delivery; that is not worked out that week; that is not worked out simply because that is Mr. Schiff's duty to work that out, and that is in a very tedious and long job and when I started in to do that I couldn't find the sheet showing the different deliveries of slats from the mill, so I let that go, intending to put that in on 'Monday, but on Monday following I was at the police station.'

Explains About

The Financial Sheet

I took out from this job sheet the correct amount of gross packed—791 as figured there—correct value $396.75, as shown on this sheet, and the average is that one, that I didn't carry out to two decimal places. I didn't carry it to but one. Then from the payroll book I got the payroll for Forsyth street and Bell street, and then as a separate item took out from the payroll book total, separate from the machine shop, which that week was $70.

The shipments were figured for the week ending April 24 on this sheet, so far as I—oh, you notice the entry of the 24th; those are those invoices, the first piece of work that I explained to you, sitting up there I explained from the chair, and couldn't come down here. That's the piece of work that I explained to you how we did it in triplicate. That's the work that I did that morning, and completed, as I told you, that each of the invoices was wrong, and I had to correct them as I went along, simply because I needed it on the financial sheet, and there's where I entered it on the sheet as shipments.

I needed that as to make the total, and that's where I entered it—shipments, the 24th, on this sheet during the afternoon $1,245.57, and totaling it up, the pencil factory shipped that week $5,438.78. Those amounts, you see, are entered right in there, and the amount of shipments is gotten from this report $4,374 handed in in by Mr. Irby, and the value of the shipments are gotten from this sheet, the last entry on which I had to make.

Then the orders received. The entry of the orders received that day involved absolutely no more work on my part than the mere transfer of the entries. On this big sheet I have here the orders received are in terms of "total gross" and "total value,"

and we passed that to compare the amount of shipments with the amount of orders we are receiving to see whether we are shipping more than we are receiving, or receiving more than we are shipping.

That amount is given here. Down there it tells you the total amount of dollars and cents of all the orders received, total gross, and the average. The average is important, though it is usually taken over a separate paper on Friday morning to Mr. Sig Montag, so that he knows how sales for the week have come out long before he receives the financial. He don't receive the financial usually until Monday morning, when I go over there.

Intricate Operation

Of the Sheet.

Now, only of the most intricate operations in the making up of the financial report is the working out of the figures on that pencil sheet, as shown by that torn little old sheet here, that data sheet. Now with this in hand, and with that pencil sheet record of pencils packed the financial report is made out. This sheet (the financial), I may say is the child of my own brain because I got it up. The first one that ever was made I made out, and the fact that there is a certain blue line here, and a certain red line there, and a black line there, and certain printing on it, is due to me, because I got this sheet up myself.

On one side you notice, "expense," or two main headings "expense materials." Together they comprise the expense for the week. On the other side, like the debit and credit sides of a ledger is the "value" and "gross value" of the goods, which have been packed up during a given week. Down here below you will notice "less repacked."

You remember the repacked, that I told you about, the pencils taken out of stock and repacked to make them move better. That value is deducted, so that it won't allow error to enter into this figure. Then we take off 12 per cent down at the bottom. That 12 per cent allows for freight allowances, cash discounts, inside trade discounts, and possibly other allowances, and gives us the net value for the net amount of money for those pencils,

which the treasury of the pencil company receives in the last analysis.

Cost of Materials

To Make Pencils

On the other side is the materials, the cost of materials, that went into the making of those pencils, based on the amounts and kinds of pencils, which, of course, as in this instance comes from the data sheet.

The first item under “expense” items is “labor,” and the labor is divided, as you all know, into the two classes, direct and indirect. The direct labor is that which goes directly into the making of the pencils themselves, and the indirect constitutes the supervising, shipping, office, clerical, help and so forth. These figures are brought directly from the payroll.

The indirect labor, however—as in this case $155—is an empirical figure, a figure which we have found out by experiment to be the correct figure, and we arbitrarily decide on it, and keep it until such time as we think we ought to change it and then change. The burden that a business has to carry is the fixed charges, the expense that it carries, irrespective of whether it will produce two gross or 200,000 gross, like rent, insurance, light, heat, power and the sales department.

The sales department expense usually goes on, whether the salesman sells little or big bills. His salary goes on and his expense goes on. Rent, heat, light, power, sales department men, and all that, is figured out, as you could find her by looking back, continuously from week to week, and there is no work other than jotting it down to figure in this total.

More Details of

The Business

The repair sundries is also arbitrary at $150. The machine shop, however, is available. It appears alongside of “investment.” “Investment” is crossed out, and “machine shop” written in. There is a reason for that. The time was at the inception of our business when every machine built by us was so much additional

added to the value of our plant. In other words, it was like investing money in it, in the plant but the time came when we quit making machines, and then we simply kept them in repair, and we charged that to expense, crossing out “investment” and putting down “machine shop” as an expense item.

The material is arrived at on the basis, gross, net. The gross basis is the total amount of pencils packed, as per the packing reports handed in by Miss Eula May Flowers, and the net basis, is the total amount, total gross, packed by report of Miss Eula May Flowers less the amount of repacked, of which I have spoken.

In this case the gross amount was 2851 gross, net 2,830½ gross down to the slat item, and multiplying that by 22 cents per gross, and that’s simply taking the 2830½ gross down to the slat item, and multiplying that by 22 cents, and putting it down to the materials. Then from the figures derived from the packing reports we figure robbers used according to the character or grade of the pencil manufactured 6½ cents cheapest, 9 cents medium, 14 cents high grade.

Then come the tips. The tips are simply gotten by adding together the amounts of rubber used in ferrules, the medium rubber, and the better class of rubber. In other words, it is gotten by adding together the rubber at 9 cents a gross and the rubber at 14 cents a gross, and adding together the total amount of gross used. And you see it says “materials,” and it is reckoned at 10 cents; in other words, the materials used in making the tips in that tip plant we figured at 10 cents a gross, and the labor is included in that payroll item up above. Then there is twenty-five gross of these medium ends.

How the Lead

Figures in Sheet

Then the lead, which is used, is taken from this sheet, multiplying 15 cents for the better lead and 10 cents for the cheaper lead. Then 5 cents a gross has been figured out after months of careful keeping track of what we use to include such materials as shellac, alcohol, lacquer, aniline, waxene, and oils, that is oils used in manufacture, not for lubrication of

transmission or machinery. It also includes that hascolene compound, of which we have heard so much. That's included in this 5 cents per gross.

Then comes the boxes at 2 cents a gross, then assortment boxes at an average of 4 cents a gross; then come wrappers at 1 cent a gross; that is the number of wrappers used in wrapping up one gross of pencils are worth 1 cent. Then cartons, boxes, holding one gross of pencils, figured at 28 or 18 cents. Then down below payroll Bell street, $173.21. They show what was delivered, just a plain copy of what I have on this sheet. I have been looking at the sheet for the week ending April 17, but it is practically the same way.

I have here down on the bottom of this financial made out the 26th what is delivered, good and cheap. There is no entry there. You will remember I said I didn't work that out. I put that out there, preparatory to working out that Monday morning before I would take it over. Then it tells tips delivered from Mr. Quinn's report.

Tells of the

Pencil Grades

Now, on the right side you will notice this entry: "Better grades, gross, net." From the small sheet we get a trial of better grades 710 gross. Then, right below it says 700 gross net. There were 710 gross, and on that repacked sheet I called out there 10 gross good goods repacked, therefore, the difference of 10 gross. Then we look on down this pencil sheet, cut down each and every one of the items accordingly—you will notice in some places I marked some items, "142 1-2 2-10-X"—and so on down the sheet.

In this case there were twenty-nine or thirty different items, all of which had to have the prices correctly traced down, extensions correctly made, checked, re-checked, added up and totaled, and checked back, and the repack had to be deducted after which the 12 percent had to be figured out, and deducted, giving the net value of the production for that week. Then we take the set value of the production that week, and from it take the total amount of expense, and materials used, the expense, and

materials used, the expense including labor, rent, light, insurance, and so forth, and, if this expense is greater than the value of the pencils, which we made that week, then the factory has operated that week at a loss. In this case a deficit shows, showing that that week we operated at a loan. The shipments were getting off down there from this sheet. These are my initials up on the top.

Comparing the

Business by Years

Now, besides the making of this large sheet here proper, there is in the making of the financial report three other sheets, that I usually make out. Now, one of those little sheets, that are usually made—and I want to call your attention to the fact that I didn't typewrite this; I just filled these figures in.

I am no typewriter. I cannot operate a machine. I have two or three dozen of those every now and then typewritten together, and keep them in blank in my desk. I didn't typewrite those on that day, or any other day. I just filled these figures, in those blanks—this is the sheet called the comparison sheet, between 1912 and 1913, which is nothing more nor less than taking the vital figures, the vital statistics of one week of 1913, and comparing them with the same week of 1912, to see how we have improved or gone backward every week one year apart.

Of course, the putting of these down involves going back into the proper week in this folder, and getting that out. However, I noticed the week in 1912 corresponding with the week of April 24 in 1913 was a week of forty-five hours instead of fifty hours.

In addition to that, I make out two condensed financial reports, that is, give the main figures. I didn't typewrite this sheet, either; as I say, I cannot operate a machine. I just filled in the figures, which have to be picked out from this large financial report, fill them in for the week ending—that does not show the date it was made, but it shows for the week ending April 24, the production in dollars, the total expenditure in dollars, the result, which in this week, as I wrote "deficit" in dollars; show the shipments, which is this work were very good, and the orders received, which were gotten from that great big sheet.

What the Director

Wants to Know

Those were enough figures for a director or stockholder of the company to receive, and are practically the only figures he is really interested in. He don't care to hear how much we make of this pencil or that pencil. The only thing he is interested in is dividends, if we are able to give them to him. One of these sheets I always make out and mail to Mr. Oscar Pappenheimer, who was formerly a member of our board of directors, though he is not now.

The other sheet I always invariably sent to my uncle Mr. M. Frank, no matter where he is, who is president of the company. On this particular Saturday, my uncle had during the week ending April 26 gone to New York, stopping at Hotel McAlpin, preparatory to taking his annual trip abroad for his health, he being a sick, feeble, old man.

When I made out that financial, I really made out two small ones and I put one in an envelope, addressed it to Mr. Oscar Pappenheimer, care Southern Furniture company, Atlanta, Georgia; the other one was put in this envelope, which you see right here, and sent to my uncle. Mr. M. Frank, together with a letter, which I wrote him, after having finished the financial sheet, the sheet showing the comparison of vital statistics for the same weeks of 1912 and 1913, and after having completed these two small condensed financial reports, I wrote that letter to my uncle, and I sent him that report, and also sent a price list, to which I referred in that letter; hence the size of that envelope.

I am going to show you one of those price-lists. It's a great big sheet; when it is folded up it is much too large for the ordinary size, hence the reason I used a great big envelope like that. I addressed that letter to my uncle, Mr. M. Frank care Hotel McAlpin, Greely Square, New York, N. Y., as has been identified.

Wrote and Sealed

The Letters

This ends practically the work on the financial. After finishing the financial, I wrote these letters, and sealed them, and placed them aside to post. After finishing the financial, I folded this big report up, and put it with the comparison sheet for the week of 1912 and the same week of 1913 in a large envelope, addressed it to Mr. Sig Montag, general manager of the pencil company, and put it under my ink well, intending to take it over on the morning of Monday following.

I then came to the checking up of the cash on hand and the balancing of the cash book. For some reason or other there are no similar entries in this book after those of that date. That's my handwriting, and I did that work on Saturday afternoon, April 26, as next as might be between the hours of 5:20 and five minutes to 6. Now, in checking up, it didn't take me an hour and a half. I did that in about twenty-five minutes.

In checking up the cash the first thing to do is to open the cash box. We have a little coin bag in there, and there was in cash actually on hand that day about $30.54; that's all there was. That's all there could have been, and that $30.54 was to the best of my recollection composed of about $3 in $1 bills, about $4 or $5 in quarters and halves, and the balance dimes, nickels and 1-cent pieces. That's some job to count that, not only to count it, but to separate the different denominations, and stack it up into stacks of a dollar.

Fixed Up the

Petty Cash

I did that, stacked them up, checked them, and re-checked them and I took a piece of paper–I haven't that paper—and jotted down the amounts. To that, had to be added the amount that was loaned. In this case there was only one loan, that which I loaned to Mr. White that afternoon. To that, had to be added the amount that was loaned. That would eventually come back to the number. If there had been any errors in the payroll the night previous, I would have had to make it

Continued On Next Page)

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good from the cash box, and it would have gone under the item of extra payroll.

I don't know whether that occurred this week or not. However, I added up the total cash I actually had on hand then– $28.54—and that $2 loaned to Mr. White brought it up to $20.54, the actual amount, which the cash book showed. Now on the left hand side of this book, the debits for the week between April 21 which was Monday, previous to April 26. It being a record simply of the petty cash used by us, showed that we had a balance on hand the Monday morning previous of $39.85.

On April 12, we drew a check for $15, and on April 24 we drew another one for $15. I mean by that that we would draw another check for $15 and over in Mr. Sig Montag to sign it; so that during that week all we got from the treasury was $30, and $29.85 already on hand, made $69.85, which was the total amount we had to account for.

When we spend, of course, we credit it. There once was a time when we paid out money, we would write it down on this book. We found it was much better, however, to keep a little voucher book, and let each and every person sign for money they get, and we have not only this record, but this record on the receipt book.

The first entry on this is 15 cents there—on the 19th of April the National Pencil company gave 15 cents to Newt Lee for kerosene.

Wrote Newt

Lee's Name

Newt Lee's name is there, but he didn't write it. I wrote it, my initials are on it. He was there when he got the money, but I thought he wouldn't write, and I signed his name. Whenever I sign

anybody's name, my initials are under it. The next item is 75 cents for typewriter rent, next item $2 drayage 24th of April.

That is Truman McCrary's receipt–he has a very tangible handwriting—and one of the little stamps stamped on there. The next item is for cases; some negro signed his name down there. So on throughout the book, cases, express, drayage, postage, parcel post, etc.

Now, after counting the money, finding how much actual cash there was in the cash box, the next thing I do is to take this little voucher book, and lump the different items that were all alike together.

This sheet has been identified and you notice that there were four items of drayage grouped together, the total being $6.70. I just extend that over to the right there, $6.70. Then I don't have to put drayage down in this book four times; just make one entry of drayage for the four times we paid drayage together, which gives the same total and makes the book look a great deal neater.

So on throughout, five items of cases, two items of parcels post, one item of two weeks' rent on an extra typewriter, 45 cents for supplies for Mr. Schneegas' department, foreman on the third floor; 85 cents for the payment of a very small bill to King Hardware company, $11.50 to a tinsmith for a small job he had done, 5 cents for thread and 10 cents for care fare, one item.

Then, this young man, Harold Wright, of whom I spoke, omitted from the payroll. I added this up, and that was $39.31, and transferred it from here to there. I then made the balance in the usual way, checking it against the money on hand, that I had in the cash box that night, and after checking and rechecking it, and finding no money missing from any source that we could trace, found that it was $4.34 short of the cash box, which was due to shortages in payroll in the past three months.

Heard Newt Lee Come

In and Ring Clock.

I finished this work that I have just outlined at about five minutes to 6, and I proceeded to take out the clock strips from the clock, which were used that day and replace them. I won't show you these slips, but the slips that I put in that night were stamped with a blue ink, with a rubber ceiling stamp, "April 28," at the bottom opposite the word "date."

Now, in reference to these time slips and the reason that the date April 28 was put on these slips, which was put into the clocks that night – Saturday night—no one was coming down to the factory on Sunday, as far as I knew, of as far as custom was, to put the slips into the clocks and, therefore, we had to put the slips into the clock dated with the date on which the help were coming into the factory to go about their regular duties and register on the Monday following, which, in this case, was April 28. Now, on one of these slips Newt Lee would register his punches Saturday night, and on Sunday night he would register his punches on the other. His punches on Monday night would be registered on two new slips that would be put into the clock on Monday night. As I was putting these time slips into the clock, as mentioned. I saw Newt Lee coming up the stairs, and looking at the clocks, it was as near as may be 6 o'clock—looking straight at the clock – I finished putting the slip in and went back to wash up, and as I was washing, I heard Newt Lee ring the bell on the clock when he registered his first punch for the night, and he went down stairs to the front door to wait my departure. After washing, I went down stairs – I put on my hat and coat—got my hat and top coat and went down stairs to the front door.

Gantt Comes

For His Shoes

As I opened the front door I saw outside on the street, on the street side of the door, Newt Lee in conversation with Mr. J. M. Gantt, a man that I had let go from the office two weeks previous. They seemed to be in discussion, and Newt Lee told me that Mr. Gantt wanted to go back up into the factory and he had refused him admiration, because his instructions were for no one to go back into the factory after he went out, unless he got contrary instructions from Mr. Darley or myself. I spoke to Mr. Gantt, and

asked him what he wanted. He said he had a couple pairs of shoes, a black pair and a top pair in the shipping room. I told Newt lee it would be all right to pass Gantt in, and Gantt went in. Newt Lee closing the door and locking it after him—I heard the bolt turn in the door. I then walked up Forsyth street to Alabama, down Alabama to Broad street, where I picked two letters, one to my uncle, Mr. M. Frank, and one to Mr. Pappenheimer, a few minutes after 6, and continued on my way down to Jacobs' Whitehall and Alabama street store, where I went in and got a drink at the soda fount and bought my wife a box of candy. I then caught the Georgia avenue car and arrived home about 6:25. I sat looking at the paper until about 6:30, when I called up at the factory to find out if Mr. Gantt had left.

Called up Lee

On the Phone

"I called up at 6:30 because I expected Newt Lee would be punching the clock on the half hour and would be near enough to the telephone to hear it and answer it at that time. I couldn't get Newt Lee then, so I sat in the hall reading until 7 o'clock, when I again called the factory, this time I was successful in getting Newt Lee and asked him if Mr. Gantt had gone again, he said "Yes". I asked if everything else was alright at the factory; it was, and then I hung up. I sat down and had supper, and after supper, I phoned over to my brother-in-law, Mr. Ursenbach, to find out if he would be at home that evening. I desired to call on him, but he said he had another engagement, as I decided to stay home, and I did stay home reading either a newspaper or the Metropolitan magazine that night.

About 8 o'clock, I saw Minola pass out on her way home. That evening, my parents-in-law. Mr. and Mrs. Emil Selig had company, and among those present were Mr. and Mrs. Morris Goldstein, Mr. and Mrs. M. Marcus, Mrs. A. E. Marcus and Mrs. Ike Strauss. Mr. Ike Strauss came in much later, something after 10 o'clock, I believe. I sat reading in the hall until about a quarter to 10, when I lighted the gas water heater preparatory to taking a bath, and then continued reading in the hall, at 10:20. I turned out the gas, went into the dining room, bade them all good night,

and went upstairs to take my bath. A few minutes later, my wife followed me upstairs.

(At this point the jury retired for a short intermission.)

I believe I was taking a bath when you went out on Saturday night; and after finishing my bath. I laid out my linen to be used next day, my wife changed the buttons from my old shirt to the shirt I was to wear the following morning, and I retired about 11 o'clock.

First News of

The Tragedy

The next day, Sunday, April 27, I was awaked at something before 7 o'clock, by the telephone ringing. I got out of bed—was tight asleep, it awaked me—but I got out of bed, put on a bath robe and went down to answer the telephone, and a man's voice spoke to me over the phone and said—I afterwards found out this man that spoke to me was City Detective Starnes—said: "Is this Mr. Frank, superintendent of the National Pencil company?" I says: "Yes, sir." He says: "I want you to come down to the factory right away." I says: "What's the trouble; has there been a fire?" He says: "No, a tragedy; I want you to come down right away." I says: "All right." He says: "I'll sell an automobile for you." I says: "All right," and hung up and went upstairs to dress.

I was in the midst of dressing to go with the people who should come for me in the automobile, when the automobile drove up, the bell rang and my wife went down stairs to answer the door. She had on just a night dress with a robe over it. I followed my wife—I wasn't completely dressed at that time, didn't have any trousers or shirt on—and as soon as I could get together, get my trousers and shirt on, I went down stairs—following my wife in a minute or two.

I asked them what the trouble was, and the man who I afterwards found out was Detective Black, hung his head and didn't say anything.

Differed as to Where

Conversation Occurred.

Now, at this point, these two witnesses, Mr. Rogers and Mr. Black differ with me on the place where the conversation occurred. I say, to the best of my recollection. It occurred right there in the house in front of my wife, they say it occurred just as I left the house in the automobile but be that as it may, this is the conversation: They asked me did I know Mary Phagan. I told them I didn't; they then said to me, "didn't a little girl with long hair hanging down her back come up to your office yesterday sometimes for her money–a little girl who works in the tipping plant?" I said "yes. I do remember such a girl coming up to my office, that I didn't know her name was Mary Phagan." "Well, we want you to come down right away with us to the factory," and I finished dreaming, and as they had said they would bring me right back.

I didn't have breakfast, but went right on with them in the automobile, made the trip to the undertaking establishment very quickly—I mean, they made the trip down town very quickly—and stopped at the corner of Mitchell and Pryor streets. They told me they were going to take the undertaker's first, that they wanted me to see the body and see if I could identify the little girl.

Visit to the

Undertaker.

I went with them to the undertaking establishment, and one of the two men asked the attendant to show us the way into where the body was, and the attendant went down a long, dark passageway with Mr. Rogers following. Then I came, and Black brought up the rear. We walked down this long passageway until we got to a place that was apparently the door to a small room—very dark in there, the attendant went in and suddenly switched on the electric light, and I saw the body of the little girl.

Mr. Rogers walked in the room and stood to my right, inside of the room. I stood right in the door, leaning up against the right facing of the door, and Mr. Black was to the left, leaning on the left facing, but a little to my rear, and the attendant, whose name I have since learned was Mr. Gheesling, was on the opposite side of the little cooling table to where I stood.

In other words, the table was between him and me. He removed the sheet which was covering the body, and took the head in his hands, turned it even, put his finger exactly where the wound in the left side back of the head was located, put his finger right on it.

I noticed the hands and arms of the little girl were very dirty —blue and ground with dirt and cinders, the nostrils and mouth— the mouth being open—question and thought just full of saw-dust and swollen, and there was a deep scratch over the left eye on the forehead; about the neck.

There was twins– a piece of cord similar to that which is used at the pencil factory, and also a piece of white rag.

Identifies the

Murdered Girl

After looking at the body, I identified that little girl as the one that had been up shortly afternoon the day previous and got her money from me. We then left the undertaking establishment, got in the automobile and rode ever to the pencil factory.

Just as we arrived opposite the pencil factory, I saw Mr. Darley going into the front door of the pencil factory with another man, whose name I didn't know.

We went up to the second floor, the office floor, and I went into the inner office, hung up my hat, and in the inner office I saw the night watchman. Newt Lee, in the custody of an officer, who I think, was Detective Starnes, the man who had phoned me.

I then unlocked the safe and took out the payroll book and found that it was true that a little girl by the name of Mary Phagan did work in the metal plant, and that she was due to draw $1.20. The payroll showed that, and, as the detective had told me that some one had identified the body of that little girl as that of Mary Phagan, there could be no question but what it was one and the same girl.

The detectives told me then they wanted to take me down in the basement and show me exactly where the girl's body was found, and the other paraphernalia that they found strewed

about, and I went to the elevator box – the switch box—so that I could turn on the current, and found it open.

Refers to Elevator

Switch Box Being Open

In reference to that switch box being open or shut—it was open on that occasion, however. I had given instructions to the factory to keep it open, and those instructions were given because a member of the fire department had gone through all that part of the city, and the National Pencil company, among others, and told us that no switch box, no box in which an electric switch was situated, could be locked up, but had to be open, so it could be easily acceptable in case of fire, so they wouldn't run any risk of electrocuting anybody, or if they wanted to move quickly, they could throw it on and start the elevator—you couldn't lock it up, the firemen wouldn't know where the key was.

However, I turned on the switch, started the motor, which runs the elevator: then Mr. Darley and a half dozen more of us and the detectives got on the elevator. I got on the elevator and I started to pull the rope to start the elevator to going, and it seemed to be caught, and I couldn't move it. I couldn't move it with a straight pull and couldn't get it loose, so I jumped out and we all got off, and I asked Mr. Darley to try his hand.

He's a great deal larger man and a great deal stronger man than I was—so he was successful in getting it loose. It seemed like the chain which runs down in the basement had slipped a cog and gotten out of gear and needed somebody to force it back.

However, Mr. Darley was successful in getting it loose, and it started up, and I got on and the detectives got on and I caught hold of the rope and it worked all right.

Where the Body of

The Girl Was Found.

In the basement, the officers showed us just about where the body was found, just beyond the partition of the Clark Woodenware company, and in behind the door to the dust bin.

They showed us where they found the hat and slipper on the trash pile, and they showed us where the back door, where the door to the rear was opened about eighteen inches.

After looking about the basement, we all went back upstairs and Mr. Darley and myself get some cords and some nails and a hammer and went down the basement again to lock up the back door, so that we could seal the factory from the back, and nobody would enter.

After returning upstairs, Mr. Darley and myself accompanied Chief Langford on a tour of inspection through the three upper floors of the factory, to the second floor, to the third floor and to the fourth floor. We looked into each bin, and each partition, and each dressing room and each work room, and even passed through the metal room and looked into that very dressing room that has figured so prominently in this trial, and neither Mr. Darley nor myself noticed anything peculiar on that floor, nor did Sergeant Lanford, chief of the Atlanta detectives, notice anything peculiar. We then returned to the front, and took out of the clock this slip on which Newt Lee has punched the evening previous, and that clock slip, of course, was dated April 28.

Mr. Arnold: Do you need the slip, or can you tell about it without having the slip?

I removed the clock slip from the clock, and in the center of the sheet, between the top and bottom, I remember the number 133 and the number 134. I wrote on it “take out 8:26 a. m.,” and two lines under it. With a casual look at that slip, you can’t see it.

Another Question

By Arnold

Mr. Arnold: See if you can see where that has been rubbed out (exhibiting papers to defendant.)

I can see it. When looking casually at that slip, you see nothing, and by the way, this sheet has been identified. It is the one to which reference has been made so many times, and if you will look at it, you will see the date, April 28, which we put on there on the evening of Saturday, April 26. But if you will look

opposite those numbers 133 and 134 and look, very carefully, you can see where there has been erased from it what I put on there that morning in pencil to identify it, the words “taken out 8-26,” and two lines, which it seems has been erased, but they couldn’t erase it carefully enough. They even erased some of the printed line which runs across the sheet.

This is the sheet that I took out on Sunday morning, and looked at the clock to notice what time it was, and I laid it up against the dial of the clock, the glass face of the clock, and wrote down there the time which the clock then registered. I told them the sheet was just like you see it there, and I brought it to the office, and Chief Lanford put it in his pocket.

I then went into the office and got another time slip and dated it April 28, similar to this one which was taken out, and which one it would replace, and put it back into the time clock to be used by the night watchman that night and by the help when they came to work on Monday morning.

Looked for Errors

In the Slip

After taking this slip out, Mr. Darley and myself casually looked over the slip to see if there were any errors, and we noticed over there that no successive numbers had been skipped, that is, the numbers on that slip are arranged successfully, one, two, and three, and the time alongside of each one, and there was no single line skipped, but we didn’t notice the actual time shown by the punch. We only noticed that the successive punches were made at the time which the punches themselves showed.

After putting a new slip in the clock, we all went out of the factory and went downstairs and locked the door, and I was going to go down to the office, to police headquarters, because the officers said they wanted to show me some notes which they said were found near the body, and the padlock and staple which they showed me had been withdrawn, and which they said had been taken down in the station the first time they had Newt lee down there.

Frank Admits

Being Nervous

Now, gentlemen, I have heard a great deal and so have you, in this trial, about nervousness, about how nervous I was that morning.

Gentlemen, I was nervous. I was very nervous. I was completely assuming. I will admit it. Imagine awaked out of my sound sleep, and a morning run down in the cool of the morning in an automobile drive at top speed, without any food or breakfast, rushing into a dark passageway, coming to a darkened room, and then suddenly an electric light flashed on, and to see the sight that was presented by that poor little child. Why, it was a sight that was enough to drive a man to distraction. That was a sight that would have made a stone malt. And then it is suspicious because a man who is ordinary flesh and blood should show signs of nervousness.

Just imagine that little girl, in the first blush of young womanhood, had her life so cruelly snuffed out, might a man not be nervous, who looked at such a sight?

Of course, I was nervous; any men would be nervous if he was a man.

We went with the officers in the automobile. Mr. Rogers was at the driving wheel, and Mr. Darley sat next to him. I sat on Mr. Darley's lap, and in the back was Newt lee and two officers. We rode to headquarters very quickly and on arrival there Mr. Darley and I went up to Chief Lanford's office where I sat and talked and answered every one of their questions freely and frankly, and discussed the matter in general with them, trying to aid and to help them in any way that I could.

Didn't Get to

See Notes

It seemed that that morning the notes were not readily accessible, or for some other reason I didn't get to see them, so I told them on leaving there that I would come back that afternoon, which I ultimately did. After staying there a few minutes, Mr.

Darley and myself left, and, inasmuch as Mr. Darley hadn't seen the body of the little girl, we went over to Bloomfield's, on Pryor street and Mitchell, and when we went into the establishment they told me somebody was busy with the body at that time and we couldn't see it, and we started to leave, when we met a certain person with whom we made arrangements to watch the building, because Newt Lee was in custody at that time.

Mr. Darley and I then went over to Montag Brothers to see if any of the Montags' had come downtown that morning. We arrived at their place and found the same was locked, and that nobody was down there.

We walked from Montag's place on Nelson street down to Mitchell and Forsyth streets, where I bade Mr. Darley good-by, and I walked down Mitchell street to Pryor, where I caught a Georgia avenue car and rode to the house of Mr. Sig Montag, our general manager, corner of Glenn and Pryor streets, and called on Mr. Montag and discussed with him at length and in detail what I had seen that morning and what the detectives had to say.

After my conversation with him, I returned to my home at about a quarter to 11, my home was 88 East Georgia avenue.

Told Wife of

His Experience.

I washed up and had my breakfast in company with my wife, in the dining room, and while I was eating breakfast. I told my wife of the experience I had that morning. After I finished breakfast, I left the house and went around to the home of Mr. Wolfheimer's house, we found quite a company of young people, and the conversation turned largely on what I had seen that morning. Also, among those who were present, were: Mrs. L. G. Cohen, Mrs. N. G. Michael, Mrs. Carl Wolfseimer, Julian Michael, Philip Michael, Miss Helen Michael, Miss Virginia Silverman, Miss May Lou Liebman, Julian Loeb and Harman Loeb.

After staying there about an hour with my wife, I went in her company to visit the home of my brother-in-law. A. E. Marcus, whose home is situated on Washington street opposite the Orphans' home.

One our arrival there, the nurse, Lucy, told us that no one was at home, and we would find them probably at the home of Mrs. Erdenberg. We then went over to the Ersenberg house, which is situated on the corner of Washington and Pulliam streets, and visited at that place, and saw Mr. and Mrs. A. B. Marcus, Mr. and Mrs. Charles Ersenberg, Harold Marcus, Mr. and Mrs. Ben Greenberg. Of course, the conversation was about the little girl that had been killed in the pencil factory basement that morning, of which they had heard, and we discussed it generally, although it was at that time as much a puzzle to me as it was apparently to everybody else.

Had Lunch With

Mrs. Frank

After staying here until about 1 o'clock or a little after, I returned with my wife to my home at 68 East Georgia avenue, where we took our lunch together with my parents-in-law, with Minola McKnight serving. After dinner I read a little while, and finally caught the ten minutes of 3 Georgia avenue car going downtown. I got off at the corner of Pryor and Mitchell streets and went into the undertaker, Bloomfield's where I saw a large crowd of people nearby on the outside.

On entering, I found quite a number of people who were working at the small factory, among whom were Mr. Schiff, Herbert Schiff, N. V. Darley, Wade Campbell, Alonzo Mann, Mr. Spilter and Mr. Viginci. I chatted with them a few minutes, and I noticed that the people who were going in to see the body were standing in line and moving in, and that others from the factory were going in I thought I would go in too and pay my respects.

I went and stood in line, and went into the room again and went into the room again and stayed a few minutes in the mortuary chamber.

The little girl had been cleaned up. Her hair had all been cleaned and smoothed out, and there was a nice white sheet over the rest of her body.

I returned to the front of the undertaking establishment, and stood chatting with Herbert Schiff and Mr. Darley until the party

with whom we had made the arrangements came up, and we gave them the keys with instructions as to watching the plant that night. Then Mr. Darley and Mr. Schiff and myself went down to police headquarters and went up into Chief Lanford's office, and the three of us stood talking there, answering all sorts of questions that not only Chief Lanford, but the other detectives, would shoot at us, and finally Mr. Darley said he would like to talk to Newt Lee.

Then he went into another room, and I presume they brought Newt Lee up from the cell, so he could talk to him.

Could Not Decipher

Notes They Found

Newt Lee was gone, the detectives showed us the two notes and the pad back with still a few unused leaves to it, and the pencil that they claimed they had found down in the basement near the body.

Of course, Mr. Schiff and my self looked at those notes and tried to decipher them, but they were written exceedingly dim, and were very rambling and incoherent, and neither of us could recognize the handwriting, nor get any sense out of them at all. One of these notes was written on a sheet of pencil pad paper, the same kind as that of this sheet which still remained on the pad back; the other was written on a sheet of yellow paper, apparently a yellow sheet from the regulation order pad or order book of the National Pencil company; this sheet was a yellow sheet with black ruling on it, and certain black printing at the top.

These are the two notes (indicating papers.)

At the top of these notes where it showed the series and date, and you can see it has either been worn out or rubbed out but the date was originally on there, and down below here is the serial number; now, both of those notes were written as though they had been written through a piece of carbon paper and the date said January 8, 1911; the order number is so faint or erased here that I can't even see what that is, but there is no trace of a date on this one at all, but it was there distinctly visible when Mr. Schiff and myself looked at it.

We continued answering any questions that the detectives wished to put to us looking to a possible solution of the mystery, when Mr. Darley came in and said if they didn't want him any further, he would go off, that he had an appointment. A few minutes thereafter, Mr. Schiff and myself left police headquarters, and went down Decatur street to Peachtree street, and down Peachtree street over the viaduct to Jacobs' Alabama and Whitehall street store, and went in, and each of us had a drink, and I bought a cigar for each of us at the cigar counter.

Saw Morbid Crowd

At the Factory

"Mr. Schiff had an appointment to meet some friends of his as the Union depot that afternoon, and it was a little too early, so we took a walk around by the pencil factory, walking up Alabama to Forsyth street and down Forsyth street on the side opposite from the factory, to the corner of Hunter and Forsyth, where we noticed the morbid crowd that had collected out, in front of the factory."

"We stood there about a minute or two and then continued walking, and then went up that East Hunter street back to Whitehall street, and back Whitehall to the corner of Whitehall and Alabama, where Mr. Schiff waited until I caught an Alabama street or Georgia avenue car and returned to my home. I returned to my home about a quarter to four, and found there was no one in. As my wife had told me that if she wasn't at home, she would probably be at the residence of Mr. Ursenberg, I proceeded over there, coming up Washington street in the direction of the Orphans' home."

"And on Washington street, between Georgia avenue and the next street down, which I believe is Bass street, I met Arthur Haas and Ed Montag and Marcus Loeb, who stopped me and asked about things they had heard about the little girl being dead in the pencil factory, and I stopped and discussed it with them, and I was about to leave them when Henry Baer come along in his automobile and stopped where I was, and he asked me what I knew about it, and I had to stop and talk with him; and I finally got loose from him and went over to the home of Mr. Ursenberg

on the corner of Pulliam and Washington terrace, and when I arrived there I found Mr. and Mrs. A. D. Marcus, Mr. and Mrs. Charlie Ursenberg, and my wife, and a little later Mr. and Mrs. Sig Selig came in."

"Here again the subject of conversation was what I had seen that morning, and what the detectives had told me and what I had told them and how the little girl looked and all about it, as far as I knew."

Told Mr. Haas All

He Could Deduce

I stayed there until about 5 o'clock, when Mr. Ike Haas, the vice president of the pencil factory, telephoned me to come over to his house, and I thereupon went over there, and on arriving at Mr. Haas' home, which is situated on Washington street right across the way from the Orpha's home. I talked to him about what I had seen that morning, and what I could deduce from the facts that were known and what the detectives had told me.

"I stayed there until about 6 o'clock."

"On arrival of Mr. Haas', I saw there his wife. Mrs. Haas, I saw there his wife, Mrs. Haas, his son, Edgar Haas, and a cousin of my wife's, Montefiore Selig. My wife had left word with Mrs. Haas that I should call for her at the residence of Mr. Marcus, which is next door, or just a few doors away, and I went by and called for my wife at 6 o'clock and a few minutes before 7 my wife and I left the residence of Mr. Marcus and started down Washington street toward Georgia avenue on our way home."

On our way home we had our brother-in-law, Mr. and Mrs. Charles Ursenberg, going to the house which he had just left.

"We reached home about 7 or a little after for supper."

After supper, I started to read the paper. Between 8 and 8:30 I phoned up to my brother-in-law, Alex Marcus, and asked him if he would come down, but he said he thought he would not that evening, on account of the rain. I continued reading there in the hall that night or evening.

There was company at the house of my father and mother-in-law, among the company being the following people, to the best of my recollection. Mr. and Mrs. Ike Strauss and Mr. and Mrs. Carl Wolfsheimer. About 10 o'clock, all the company left, and I want upstairs with my wife and retired about 10 o'clock.

Defensives Call for Him Monday Morning

The next morning, I dress about 7 o'clock, and washed and shaved and dressed, and while I was so occupied the door bell rang, and my wife again answered the door, and there were two detectives down there. One was John Black, and the other, I believe Mr. Haslett—Haslett of the city detectives.

I finished dressing and went downstairs, and they told me they wanted me to step down to headquarters with them, and I told them I would, but I stopped and got my breakfast, finished dressing and got my breakfast before I went with them.

We walked from my home on Georgia avenue down to Washington street down to police headquarters, walking the whole way.

On the way down, I asked Detective Haslett what the trouble down at the station house was, and he said: "Wait, Newt Lee has been saying something, and Chief Lanford wanted to ask you a few questions about it," and I said, "What did Newt Lee say?" "Well, Chief Lanford will tell you when you get down there." Well, I didn't say anything more to him, went right along with him, and when I got down to police headquarters, I sat in one of the outer offices that the detectives use.

It wasn't the office of Chief Lanford. He hadn't come down yet; that was about between 8 and 8:30 when I got down there.

Well, I waited around the office possibly an hour, chatting and talking to the officers that I came in and spoke to me, but I still didn't see anything of Chief Lanford. And by and by, probably after an hour, 9:30 perhaps, Sig Montag and Herbert Haas, a couple of my friends, came up and spoke to me. I was conversing with them, and possibly at 10 o'clock, I saw Mr. Luther Rosser

come up, and he said: “Hello, boys, what’s the trouble?” And Mr. Haas went up to him and spoke to him, and they were talking together; and a few minutes later Chief Lanford, who had in the meantime arrived, and who seemed to be very busy running in and out answering telephone calls, came in and said: “Come here,” and beckoned to me; and I went with him and went into his room, in his office, and while I was in there, to the best of my recollection, anyhow it is my impression now, that this very time slip, on which at that time that “taken out at 8:26,” with the two lines under it, had not been erased, was shown to me, and in looking over it and studying it carefully, I found where the interval of an hour had occurred three times during the time that Newt Lee had been punching on that Saturday night, April 26.

Learns That Mr. Rosser

Is to Defend Him

When I had first looked at it, I only noticed that every line had a punch mark on it, but I didn’t notice what time the punch mark themselves were on; this time I studied the slip carefully, it was the same slip I had taken out of the clock, Chief Lanford or one of the officers handed it to me at police headquarters which I absolutely identified with the writing which was on it, which you can very readily see if you look now, even though it has been erased.

There seemed to be some altercation about Mr. Rosser coming in that room, and I heard Mr. Rosser say: “I am going into that room; that man is my client.” That was the first intimation I had that Mr. Rosser was going too long after my interests in this matter. Chief Beavers stated that he wanted me to give him a statement, and he said: “Mr. Frank, will you give us a statement?” And I said: “Certainly, I will give them a statement.”

I considered it only right that anybody that was at that factory that day should give the police a statement, telling who he had seen, where he had gone and what he had done; and I gave them a statement freely and unreservedly. While I had no idea that I had to make a statement at that time, I did give it to the very best of my ability, freely, and answered every question that was put to me. Mr. February was sitting on the opposite side

of the table from where I was sitting, Chief Lanford was sitting at a desk, and Mr. Rosser was sitting quite a distance away, probably twenty-five feet, sitting in the front window with his back to us.

“After I had given the statement, several of the officers, came into the room, among them being Chief Beavers, and Chief Lanford and Mr. Rosser were apparently having a sort of conversation, and I overheard Mr. Rosser say: ‘Why, it is preposterous. A man who would have done such a deed must be full of scratches and marks and his clothing must be bloody.”

“I imagine Mr. Rosser must have had an inkling that they were suspicions of me, and as soon as I heard that, I turned and jumped up and showed them my winter-clothing and my top shirt and my body.”

Mr. Rosser Insists

On Search of Home

“After that, Mr. Rosser insisted that two of the detectives, Mr. Black and another detective, accompany Mr. Haas, Mr. Herbert Haas, and myself to my home and look over my soiled clothing for the past week, which I anticipated had not been given to the wash woman.”

“They complied with this request.”

“Mr. Black and another detective and Mrs. Haas and myself went over to the corner of Hunter and Washington streets, and caught the Washington street car and rode to Georgia avenue and went to my home. And on this car my mother-in-law was sitting, returning to her home from town.”

“On reaching 68 East Georgia avenue, I found there my wife’s grandmother, Mrs. Cohen, and my father-in-law, Mr. Selig. The detectives immediately went upstairs to my room with Mr. Haas and myself, and I took the laundry bag in which my soiled laundry is always kept, and emptied it out on the bed, and they examined each and every article of that I had discarded that past week, and I again opened the clothing which I was then wearing, and which was the brown suit which I have here.”

This brown suit is the same suit I wore that Saturday, April 26, and Monday, April 26, and I have worn that that suit continuously since then until the weather became so hot, and it has neither been pressed nor cleaned since then, and I show it to you for your examination.

The detectives were evidently perfectly well satisfied with what they had seen there, and, of course, they left without any further remarks with Mr. Haas.

I went downstairs and conversed with my folks down there until dinner time, which was served to my father-in-law and my mother-in-law and my wife and myself by Minola McNight. About that time Mr. and Mrs. Wolfsheimer came in and conversed with us, Mr. Wolsheimer telling me that he would take me downtown that afternoon in his automobile.

Suggests Get Sleuths

To Find Criminal

After dinner I telephoned down to the office and telephoned down to the office and telephoned to Mr. Schiff, and told him to get Mr. Montag's permission for the pencil company to put on a detective, preferably a Pinkerton detective, to work with and assist the city detectives in ferreting out the crime, as an evidence of the interest in this matter which the National Pencil company was taking. I thought it was no more than we ought to do. And is also told Mr. Schiff I would be downtown between 2:30 and 3.

"After conversing with my folks, I went around the corner to Mr. Wolfsheimer's house and got in his automobile and he took me downtown to his place of business which is situated on Whitehall street near Mitchell and I got out of the automobile there and walked over to the Forsyth street plant of the pencil factory and on going into the office I saw the following me there: Mr. Herbert Schiff, Mr. Wade Campbell, Mr. Darley—Mr. Holloway was out in his place in the hall, and Mr. Spilker and Mr. Quinn and Mr. Ziganke, these foremen were sitting around there because we had shut down there, as they told me, due to the fact that the plant was wholly demoralized, the girls were running into

hysterics, they couldn't stick at their work, they were crying and going on over what had happened there."

"I spoke to the boys who were there in the office about the happenings of that morning, of course, at more or less length."

Locked Over Winds

In Metal Room.

"Then Mr. Quinn said he would like to take me back to the metal department on the office floor where the newspapers that morning had said that Mr. Barrett, of the metal department, had claimed he had found blood spots, and where he had found some hair."

Mr. Quinn first took me to the little lathe back in the metal department, and explained to me that Mr. Barrett had told him just the same as he said here, that those strands of hair were so few in number that he didn't see them until he turned the handle and they wound around his fingers, and moreover that the position of the handle on the tool which that that handle actuates on that tool, that small was in the same relative position to the work in the lathe so when they left it on Friday evening, previous to that Monday.

They then took me over to the place in front of the dressing room where it was claimed the blood spots were found.

Now, I examined those spots. I didn't examine them standing up.

I didn't depend on the light from the windows, but I stooped right down to those spots, and I took a strong electric flash lamp that we had around there and looked at them and examined them carefully, and I made a certain conclusion after that examination.

Now, gentlemen, if there is any one thing in and about a factory, after my seven years of practical experience in factories, that I do know, it is the care and condition of factory floors. Now, take that metal plant, for instance; that plant, as you know, is a place where we reform and shape and spin sheet brass, and of course, of necessity, we used a great deal of lubricants there.

Haskoline Used

As Lubricant

“Now, the lubricant that he used on this eyelet machine. These large machines that change the sheet metal from a ribbon into a shape, we see that form of lubricant which is known as haskoline compound: now, the main ingredients of that compound are, for practical purposes, soap and oil, and in use, it is diluted to a great extent with water so it can flow easily onto the tools or onto the metal, so that the tools that they use it on won’t get brittle or smeared up, and that haskoline compound is carried to these little machines in the metal room, right almost up to that dressing room, and that haskoline remains on them and sticks to them, and you are apt to find that haskoline compound on the floor there anywhere around in that metal room near any of those machines, and when it is spilled on the floor it is up with a broom. Moreover, a portal that has not been brought out, so far as I know, right opposite that dressing room is kept the scrap brass, the scrap barrels in which the scrap metal from the eyelet machines is put, and that is full of the haskoline compound, that metal being put into the barrel, of course, with the fold on it is sown to the bottom and is apt to get out of the bottom of that barrel onto the floor.

But, getting back to the floor of the metal room, there is a constant spilling of lubricants, and as I say, it is composed largely of soap and oil, and that floor, by actual experiment, is covered to a thickness varying from a quarter to a half inch, that is, you scrape away that much before you get down to the original color of the wood; moreover, on top of that grease-soaked floor, there is dirt more or less, and then somebody

(Continued on Page Seven, Col. 1.)

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Comes along with a water sprinkler and sprinkles it to sweep it up, and they go over the top of that, it don’t sink into the floor, and the result is there is coat after coat of grease and dirt on that floor.

Stains May Have

Seen Blood, But—

Now, with reference to those spots that are claimed to be blood that Mr. Barrett found, I don't claim they are not blood, they may have been, they are right close to the ladies' dressing room, and we have had accidents there, and by the way in reference to those accidents, the accidents of which we have had records, are not the only accidents that have happened there. For instance, a person cuts a finger; that is an accident. We give first aid to the injured in the office, and we don't have any report on that. The only reports we have are of these accidents that incapacitate the health, where they demand the money for the time that they have lost due to the accident, and we will have our Employers' Liability Insurance company to pay the employees. But where people just cut their fingers and they go back to work, we don't make any record of that, and we have people cut their fingers and they go back to work we don't make any record there very often, and when they cut their fingers, their line of travel is right by that place where Mr. Barrett found these spots, right to the office.

"Now, we use paint and varnish around there, a great deal of it, and while I don't say that this is not blood, it may be, but it could also have been paint. I have seen the girls drop bottles of paint or varnish and have them break there on the floor. I have seen that happen right close to that spot."

But the main point about it is this, gentlemen: when I get down and looked at it, you could have scratched away from the top of those dark stains and accumulation of a day or two days or three days or three weeks, but it was at least three months, from off the top of those spots, without touching the spot itself.

Moreover, that white stuff was unquestionably in my opinion, haskoline compound, and it was dry and it had to be put on, because it showed all evidences of having been swept, so it had to be put on, because it showed all evidences of having been swept, so it had to be put on the wood in a liquid state.

If that had been fresh red paint, or if that had been fresh red blood, and that haskoline compound, that soap in it, which is a

great solvent, should have been put there in a liquid state, it would not have showed up while, as it showed up then, but it would have showed up either pink or red, and where the spot of blood was, or whatever it was, that stuff was white, and not pink or red.

Saw Where Chips

Had Been Cut Out

I returned after making this examination from which I noticed three or four chips had been knocked up, the boys told me, by the police that morning. I returned to my room and gathered up what papers I had to take over to Montag Brothers, and I took over the financial report which I had made out the Saturday afternoon previous, and talked it over with Mr. Sig Montag.

I had a good long conversation with Mr. Montag, with reference to the occurrences that morning, and we decided that since the papers had stated that I was being detained at headquarters, it would be best to let my uncle, who was ill, and who is an elderly man, being over seventy years of age, and who was on the point of taking a trip to Europe,—and I didn't want him to be unnecessarily alarmed by seeing in the papers that I was detained, and I wrote a telegram to Mr. Adolph Montag informing him that I was no longer in custody, that I was all right, and that he could communicate that to my uncle.

That was so that my uncle should not get hold of an Atlanta paper and see that I was in custody and be unnecessarily alarmed.

I returned from Montag Brothers to the pencil factory, being accompanied by one of the travelling men, Mr. Hines, Mr. Sol Hines, and on my arrival at the factory I went up into the office and distributed the various papers all over the factory to be acted on the next day.

In a few minutes Mr. Harry Scott, of the Pinkerton detectives, came in and I took him aside into my office, my private office, and spoke to him in the presence of Mr. M. V. Darley and Mr. Herbert Schiff. I told him that I expected that he had seen what had

happened at the pencil factory by reading the newspapers, and knew all the details.

Gave Details to

Harry Scott

He said he didn't read the newspapers and didn't know the details, so I sat down and gave him all the details that I could, and in addition I told him something which Mr. Darley had that afternoon communicated to me, viz.: that Mrs. White had told him that on going into the factory at about 12 o'clock noon Saturday, April 26, she had seen some negros down by the elevator shaft. Mr. Darley had told me this and I just told this to Mr. Scott.

After I told Mr. Scott all that I could, I took him around the building. Took him first back to the metal room and showed him the place where the pair had been found, looked at the machinery and at the lathe, looked at the table on which the lathe stands, and the lathe bed and the floor underneath the lathe, and there wasn't a spot, much less a blood spot underneath.

I showed him the other spot in front of the dressing room, and I took him to the fourth floor and showed him where I had seen White and Denham a little before the first time and about 3 the second time.

Saw Detective

Pick Up Cord

Then I took him down into the basement and made a thorough search of the basement, and that included an examination of the elevator well which was at the bottom of the elevator shaft, and I noticed Mr. Scott was foraging around down there and he picked up two or three or maybe four articles and put them in his pocket, and one of them I specifically noticed was a piece of cord exactly like that which had been found around the little girl's neck. We then went back and I showed him where the officer said the slipper had been found, the hat had been found, and the little girl's body was located.

I showed him, in fact, everything that the officers had showed us. Then I opened the back door and we made a thorough

search of the alleyway and went up and down the alleyway and then went down that alleyway to Hunter street and down Hunter to Forsyth and up Forsyth in front of the pencil factory. In front of the pencil factory, I had quite a little talk with Mr. Scott as to the rate of the Pinkert detective were and I had Mr. Schiff to telephone to Mr. Montag to find out if these rates were satisfactory.

Pinkertons Are

Engaged

He phoned back the answer that he would engage them for a few days at any rate. Mr. Scott then said: “Well, I don’t need anything more,” and he said, “The Pinkertons in this case, according to their usual custom in ferreting out the perpetrator of this crime, will work hand in hand with the city officers.” I said: “All right, that suits me.” And he went on his way. About that time, my father-in-law joined the group over in front of the factory and after talking for some time, my father-in-law and I left and arrived home about 6:30, I should judge, and found there my mother-in-law and my wife and Minola McKnight, and we had supper.

After supper my two brothers-in-law and their wives came over to visit with us and they stayed on until about 10 o’clock, after which my wife and I retired.

On Tuesday morning, I arose some time between 7 and 7:30, leisurely dressed and took my breakfast and caught the 8:10 car coming towards town, the Georgia avenue car, and when I went to get on the car I met a young man by the name of Dickler and I remember paying the fare for both of us. When I arrived at the pencil factory about 8:30, I immediately entered upon my routine work sending the various orders to the various places in the factory where they were due to go, and about 9:30, I went on my usual trip over to Montag Brothers to see the general manager.

Scott And Black

Come for Him

After staying over there a short while, I returned in company with another of their travelling men, Mr. Jordan. At the corner of Forsyth and Hunter streets I met up with a cousin of my wife's, a Mr. Selig, and we had a drink at Cruickshank's soda fount at the corner of Hunter and Forsyth. Then I went up into the factory and separated the papers I had brought back with me from Montag Brothers, putting them in the proper places, and sending the proper papers to the different places.

I was working along in the regular routine of my work, in the factory and about the office, and a little later Detectives Scott and Black came up to the factory and said: "Mr. Frank, we want you to go down to headquarters with us," and I went with them.

We went down to headquarters and I have been incarcerated ever since.

We went down to headquarters in an automobile and they took me up to Chief Lanford's office.

I sat up there and answered any questions that he desired and I had been sitting there some time when Detective Scott and Detective Black came back with a bundle under their arm. They showed me a little piece of material of some shirt, and asked me if I had a shirt of that material.

I looked at it and told them I didn't think I ever had a shirt of that description. In the meantime, they brought in Newt Lee, the night watchman, brought him up from a cell and showed him the same sample. He looked at it and immediately recognized it: he said he had a shirt like that, but he didn't remember having worn it for two years. If I remember correctly, that is what he said.

Detectives Show

Him Bloody Shirt

Detectives Scott and Black then opened the package they had and disclosed the full shirt of that material that had all the appearance of being freshly stained with blood, and had a very distinct odor. Newt Lee was taken back to the cell.

After a time, Chief Lanford came over to me and began an examination of my face and of my head and my hands and my

arms. I suppose he was trying to hunt to see if he could find any scratches. I stayed in there until about 12 o'clock, when Mr. Rosser came in and spoke to the detectives, or to Chief Beavers.

After talking with Chief Beavers, he came over to me and said to me that Chief Beavers thought it better that I should stay down there. He says: "He thinks it better that you be detained at headquarters, but if you desire, you don't need to be locked up in a cell, you can engage a supernumerary policeman who will guard you and give you the freedom of the building."

I immediately acquiesced, supposing that I couldn't do anything else and Mr. Rosser left. Now, after this time, it was about this time they took me from upstairs to the district sergeant's desk and Detective Starnes—John M. Starnes, I think his name is—came in and dictated from the original notes that were found near the body, dictated to me to get a sample of my handwriting. Have you got those photographs there? (Photographs handed to the defendant.)

Wrote Notes

For Officers

I wrote this note at the dictation of Mr. Starnes, which was given to me word by word, and, of course, I wrote it slowly. When a word was spelled differently they usually stopped—take this word "buy," for instance, the detective told me how that was spelled so they could see my exact letters, and compare with the original note.

Now, I had no hesitation in giving him a specimen of my handwriting. Now, this photograph is a reproduction of the note. You see, that is Detective Starnes, and then is dated here. I put that there myself so I would be able to recognize it again, in case they tried any erasures or anything like that. It is a photographic reproduction of something that was written in pencil, as near as one can judge, a photographic reproduction of the note that I wrote. Detective Starnes then took me down to the desk sergeant where they searched me and entered my name on the book under a charge of suspicion. Then they took me back into a small

room and I sat there for a while, while my father-in-law was arranging for a supernumerary police to guard me for the night.

Midnight

Interview

They took me then to a room on the top of the building and I sat in the room there and either read magazines or newspapers and talked to my friends who came to see me until—I was about to retire at midnight. I had the cover of my cot turned back and I was going to bed when Detective Scott and Detective Black, at midnight, Tuesday, April 29, came in and said:

“Mr. Frank, we would like to talk to you a little bit. Come in and talk to us.”

I says: “Sure, I will be only too glad to.” I went with them to a little room on the top floor of the headquarters. In that room was Detective Scott and Detective Black and myself. They stressed the possibility of couples having been let in to the factory at night by the night watchman, Newt Lee.

I told them that I didn’t know anything about it, that if I had, I certainly would have put a stop to it long ago. They said: “Mr. Frank, you have never talked along with Newt Lee. You are his boss and he respects you. See what you can do with him. We can’t get anything more out of him, see if you can.” I says: “All right, I understand what you mean; I will do my best,” because I was only too willing to help.

Suggestions by

Detectives

Black says: “Now put it strong to him, put it up strong to him, and tell him to cough up and tell all he knows. Tell him that you are here and that he is here and that he better open up and tell all he knows about happenings at the pencil factory that Saturday night, or you will both go to hell.” Those were the detectives’ exact words.

I told Mr. Black I caught his meaning, and in a few minutes afterwards Detective Starnes brought up Newt Lee from the cell room. They put Newt Lee into a room and handcuffed him to a chair. I spoke to him at some length in there, but I couldn't get anything additional out of him.

He said he knew nothing about couples coming in there at night, and remembering the instructions Mr. Black had given me I said: "Now, Newt, you are here and I am here, and you had better open up and tell all you know, and tell the truth and tell the full truth, because you will get us both into lots of trouble if you don't tell all you know," and he answered me like an old negro: "Before God, Mr. Frank, I am telling you the truth and I have told you all I know."

His Third Degree

Initiation

And the conversation ended right there. Within a minute or two afterwards the detectives came back into the room, that is. Detective Scott and Detective Black, and then began questioning Newt Lee, and then it was that I had my first initiation into the third degree of the Atlanta police department. The way that fellow Black cursed at that poor old negro, Newt Lee, was something awful. He shrieked at him; he hallowed at him; he cursed and did everything but beat him. Then they took Newt Lee down to a cell and I went to my cot in the outer room.

Insinuations and

Accusations

Now before closing my statement, I wish to touch upon a couple of insinuations and accusations other than the one on the bill of indictment, that have been leveled against me so far during the trial. The first is this, the fact that I would not talk to the detectives; that I would not see Jim Conley. Well, let's look into the facts a few minutes and see whether there was any reason for that, or if there be any truth in that statement.

On Sunday morning I was taken down to the undertaker's establishment, to the factory, and I went to headquarters. I went

to headquarters the second time, going there willingly without anybody coming for me. On each occasion I answered them frankly and unreservedly, giving them the benefit of the best of my knowledge, answering all and any of their questions, and discussing the matter generally with them.

On Monday they came for me again. I went down and answered any and all of their questions and gave them a statement which they took down in writing, because I thought it was right and I was only too glad to do it. I answered them and told them all that I knew, answering all questions.

Tuesday I was down at police station again, and answered every question and discussed the matter freely and openly with them, not only with the police, but with the reporters who were around there; talked to anybody who wanted to talk with me about it, and I have even talked with them at midnight when I had just about to go to bed.

Midnight was the time they chose to talk to me, but even at such an establish hour, I was still willing to help them, and at their instigation I spoke to Newt Lee alone, but what was the verdict? They commenced and they grilled that poor negro and put words into his mouth that I never said, and twisted not alone the English, but distorted my meaning.

Washes Hands of

Detectives

I just decided then and there that if that was the line of conduct, they were going to pursue I would wash my hands of them. I didn’t want to have anything to do with them. On the afternoon of May 1, I was taken to the Fulton county Tower.

On May 3 Detectives Black and Scott came up to my cell in the Tower and wanted to speak to me alone without any of my friends around. I said all right. I wanted to hear what they had to say that time. Then Black tore off something like this: “Mr. Frank, we are suspicious of that man Darley. We are watching him; we have been shadowing him. Now, open up and tell us what you know about him.”

I said: “Gentlemen, you have come to the wrong man, because Mr. Darley is the soul of honor and is as true as steel. He would not do a crime like that; he couldn’t do it.”

And Black chirped up: “Come, on, Scott, nothing doing,” and off they go. That showed me how much reliance could be placed in either the city detectives or our own Pinkerton detectives, and I treated such conduct with silence and it was for this reason, gentlemen, that I didn’t see Conley, surrounded with bevy of city detectives and Mr. Scott, because I knew that there would not be an action so trifling, that there was not an action so natural but they would distort and twist it to be used against me, and that there was not a word that I could utter that they would not deform and twist and distort to be used against me, but I told them even if they got the permission—

I told them through my friend, Mr. Klein, that if they got the permission of Mr. Rosser to come. I would speak to them, would speak to Conley and face him or anything they wanted—

If they got that permission or brought Mr. Rosser. Mr. Rosser was on that day up at Tallulah Falls trying case. Now, that is the reason, gentlemen, that I have kept my silence, not because I didn’t want to, but because I didn’t want to have things twisted.

Then that other implication, the one of knowing that Conley could write, and I didn’t tell the authorities.

Day on Which

Conley Was Arrested

Let’s look into that. On May 1 I was taken to the Tower. On the same date, as I understand it, the negro Conley was arrested. I didn’t know anybody had any suspicions about him. His name was not in the papers. He was an unknown quantity.

The police were not looking out for him; they were looking out for me. They didn’t want him, and I had no inkling that he ever said he couldn’t write.

I was sitting in that cell in the Fulton county jail—it was along about April 12, April 12 or 14—that Mr. Leo Gottheimer, a salesman for the National Pencil company, came running over,

and says: “Leo, the Pinkerton detectives have suspicions of Conley.”

“He keeps saying he can’t write; can’t write; these fellows over at the factory know well enough that he can write, can’t he?”

I said: “Sure he can write.” “We can’t prove it. The nigger says he can’t write and we feel that he can write.” I said: “I know he can write. I have received many notes from him asking me to loan him money. I have received too many notes from him not to know that he can not write. In other words, I have received notes signed with his same, purporting to have been written by him, though I have never seen him to this date use a pencil.”

I thought awhile and them I said: “Now, I tell you; if you will look into a drawer in the safe you will find the card of a jeweler from whom Conley bought a watch on the installment. Now, perhaps if you go to that jeweler you may find some sort of a receipt that Conley had to give and be able to prove that Conley can write.” Well, Gottheimer took that information back to the Pinkertons; they did just as I said; they got the contract with Conley’s name on it, got back evidently to Scott and then he told the negro to write. Gentlemen, the man who found out or paved the way to find out that Jim Conley could write is sitting right here in this chair. That is the truth about it.

Had Never Seen

Dalton to Know Him

The statement of the witness Dalton is utterly false as far as coming to my office and being introduced to me by the woman Diasy Hopkins is concerned. If Dalton was ever in the factory building with any woman, I didn’t know it. I never saw Dalton in my life to know him until this crime.

In reply to the statement of Miss Irene Jackson, she is wholly mistaken in supposing that I ever went to a lady’s dressing room for the purpose of making improper glances into the girls’ room. I have no recollection of occasions of which she speaks, but I do know that that ladies’ dressing room on the fourth floor is a mere room in which the girls change their outer clothing.

There was no bath or toilet in that room, and it had windows opening onto the street. There was no lock on the door, and I know I never went into that room at any hour when the girls were dressing. These girls were supposed to be at their work at 7 o’clock.

Occasionally I have had reports that the girls were flirting from this dressing room through the windows with men. It is also true that sometimes the girls would loiter in this room when they ought to have been doing their work. It is possible that on some occasions, I looked into this room to see if the girls were doing their duty and were not using this room as a place for loitering and for flirting.

These girls were not supposed to be dressing in that room after 7 o’clock and I know that I never looked into that room at any hour, when I had any reasons to suppose in.

Wife Was At

Station to See Him

Then that other insinuation, an insinuation that is dastardly, that is beyond the appreciation of a human being, that is, that my wife didn’t visit me; now, the truth of the matter is this: That on April 29, the date I was taken in custody at police headquarters, my wife was there to see me, she was downstairs on the first floor; I was up on the top floor.

She was there almost in hysterics, having been brought there by her two brothers-in-law and her father. Rabbi Marx was with me at the time. I consulted with him as to the advisability of allowing my dear wife, to come up to the top floor to see me in those surroundings with city detectives, reporters and snap-shooters. I thought I would save her that humiliation and that harsh sight, because I expected any day to be turned loose and be returned once more to her side at home.

Gentlemen, we did all we could do to restrain her in the first days when I was down at the jail from coming on alone down to the jail, but she was perfectly willing to even be locked up with me and share my incarceration.

Gentlemen, I know nothing whatever of the death of little Mary Phagan. I had no part in causing her death nor do I know how she came to her death after she took her money and left my office. I never even saw Conley in the factory or anywhere else on that day, April 26, 1913.

Conley's Statement "a

Tissue of Lies"

The statement of the negro Conley is a tissue of lies from first to last. I know nothing whatever of the cause of the death of Mary Phagan, and Conley's statement as to his coming up and helping me dispose of the body, or that I had anything to do with her or to do with him that day, is a monstrous lie.

The story as to women coming into the factory with me for immoral purpose is a base lie, and the few occasions that he claims to have seen me in indecent positions with women is a lie so vile that I have no language with which to fitly denounce it.

I have no rich relatives in Brooklyn, N. Y. My father is invalid. My father and mother together are people of very limited means, who have barely enough upon which to live.

My father is not able to work. I have no relative who has any means at all, except Mr. M. Frank, who lives in Atlanta, Ga. Nobody has raised a fund to pay the fees of my attorneys. These fees have been paid by the sacrifice in part of the small property which my parents possess.

Gentlemen, some newspaper men have called me "the silent man in the Tower," and I kept my silence and my counsel advisedly, until the proper time and place. The time is now; the place is here, and I have told you the truth, the whole truth.

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HER PAPA'S ON THE JURY

Little Miss Helen Woodward, daughter of one of the Frank trial jurors, is one of the several temporary "orphans" that the

trial has made. The photographer snapped her as she was looking up at one of the Kimball hotel windows to catch a glimpse of “Papa” and thrown him a kiss.

SLATON WILL APPROVE HOME FOR GIRLS BILL

Announces Intention in Answer to Hundreds of Telegrams From Over State

Positive announcement was made by Governor Slaton Tuesday afternoon of his intention to sign the bill appropriating $20,000 with which to establish a wayward girls’ home in Georgia. This bill will reach the governor’s desk during the afternoon from the engrossing clerks and will be immediately approved by him.

Considerable apprehension for the fate of this bill has been felt by its friends, due to the fact that a number of the house and senate leaders have stated that the governor promised to veto the bill if it carried an appropriation greater than $10,000. However, Governor Slaton has himself slayed this apprehension by announcing that he would sign the bill as soon as it reaches him.

The Prison Reform association of Georgia and the Men and Religion Forward movement, worked hard for the passage of the bill.

Following the exclusive publication in the Journal of Monday to the effect that the governor would veto the bill the chief executive has been literally flooded with telegrams and letters urging him to approve the measure. His announcement Tuesday afternoon was in answer to these telegrams and letters.

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SLATON URGED TO SIGN WAYWARD GIRLS BILL

Telegrams From All Parts of State Deluge Governor's Office With Petition

Telegrams by the hundreds are pouring in on Governor Slaton requesting him to sign the bill providing a rescue home for wayward girls of the state.

Mrs. Z. I. Fitzpatrick, president of the Federated clubs of the state, officers of the various organizations of the D. A. R.'s, the U. D. C.'s, and church guilds and societies and individuals from all parts of the state have signified their interest in the bill by deluging the governor's office with telegrams.

Many of them he has not seen yet, as a large portion of Tuesday morning was occupied by a conference with the new state tax commissioner, John C. Hart.

The governor is very busy with the bills the legislature passed during its recent session, but has as yet announced no vetoes.

"I do not know," said the governor, "what action I shall take on the bill providing a home for wayward girls, as I have not yet read it carefully. I shall take the bills up as rapidly as possible, however."

When he gets to the bill providing the new city charger, he won't make much hassle, though, as it is so long that it will take ten men three days to write it out for his perusal.